United Nations S/RES/1896 (2009)

Security Council

Distr.: General
30 November 2009

Resolution 1896 (2009)

Adopted by the Security Council at its 6225th meeting, on 30 November 2009

The Security Council,

Recalling its previous resolutions, in particular resolution 1804 (2008), 1807 (2008) and 1857 (2008), and the statements of its President concerning the Democratic Republic of the Congo,

Reaffirming its commitment to the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo as well as all States in the region,

Taking note of the interim and final reports (S/2009/253 and S/2009/603) of the Group of Experts on the Democratic Republic of the Congo ("the Group of Experts") established pursuant to resolution 1771 (2007) and extended pursuant to resolutions 1807 (2008) and 1857 (2008) and of their recommendations,

Reiterating its serious concern regarding the presence of armed groups and militias in the eastern part of the Democratic Republic of the Congo, particularly in the provinces of North and South Kivu, Ituri and the Orientale Province, which perpetuate a climate of insecurity in the whole region,

Demanding that all armed groups, in particular the Forces Démocratiques de liberation du Rwanda (FDLR) and the Lord's Resistance Army (LRA), immediately lay down their arms and cease their attacks against the civilian population, *demanding also* that all the parties to the 23 March 2009 Agreements respect the ceasefire and implement their commitments effectively and in good faith,

Expressing concern about the support received by armed groups operating in the eastern part of the Democratic Republic of the Congo from regional and international networks,

Welcoming the commitments of the Democratic Republic of the Congo and the countries of the Great Lakes region to jointly promote peace and stability in the region, and *reiterating* the importance of the Government of the Democratic Republic of the Congo and all governments, particularly those in the region, taking effective steps to ensure that there is no support, in and from their territories, for the armed groups in the eastern part of the Democratic Republic of the Congo,

Please recycle

Noting with great concern the persistence of human rights and humanitarian law violations against civilians in the eastern part of the Democratic Republic of the Congo, including the killing and displacement of significant numbers of civilians, the recruitment and use of child soldiers, and widespread sexual violence, *stressing* that the perpetrators must be brought to justice, *reiterating* its firm condemnation of all violations of human rights and international humanitarian law in the country, and *recalling* all its relevant resolutions on women and peace and security, on children and armed conflict, and on the protection of civilians in armed conflicts,

Stressing the primary responsibility of the Government of the Democratic Republic of the Congo for ensuring security in its territory and protecting its civilians with respect for the rule of law, human rights and international humanitarian law,

Stressing the need to fight impunity as an integral part of the much-needed comprehensive reform of the security sector, and *strongly encouraging* the Government of the Democratic Republic of the Congo to implement its "zero-tolerance policy" against criminal acts and misconduct in the armed forces,

Encouraging the Government of the Democratic Republic of the Congo to take concrete measures to reform the justice sector and implement the Penitentiary System Reform Action Plan, in order to ensure a fair and credible system against impunity,

Recalling its resolution 1502 (2003) on the protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones,

Condemning the continuing illicit flow of weapons within and into the Democratic Republic of the Congo in violation of resolutions 1533 (2004), 1807 (2008) and 1857 (2008), *declaring* its determination to continue to monitor closely the implementation of the arms embargo and other measures set out by its resolutions concerning the Democratic Republic of the Congo, and *stressing* the obligation of all States to abide by the notification requirements set out in paragraph 5 of resolution 1807 (2008),

Recognizing the linkage between the illegal exploitation of natural resources, illicit trade in such resources and the proliferation and trafficking of arms as one of the major factors fuelling and exacerbating conflicts in the Great Lakes region of Africa,

Welcoming the announcement from the Department of Peacekeeping Operations of its intention to develop guidelines to enhance cooperation and information-sharing between the United Nations peacekeeping missions and the Security Council's Sanctions Committees' expert panels,

Determining that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to renew until 30 November 2010 the measures on arms imposed by paragraph 1 of resolution 1807 (2008) and *reaffirms* the provisions of paragraphs 2, 3 and 5 of that resolution;

2. *Decides* to renew, for the period specified in paragraph 1 above, the measures on transport imposed by paragraphs 6 and 8 of resolution 1807 (2008) and *reaffirms* the provisions of paragraph 7 of that resolution;

3. *Decides* to renew, for the period specified in paragraph 1 above, the financial and travel measures imposed by paragraphs 9 and 11 of resolution 1807 (2008) and *reaffirms* the provisions of paragraphs 10 and 12 of that resolution regarding the individuals and entities referred to in paragraph 4 of resolution 1857 (2008);

4. *Decides further* to expand the mandate of the Committee as set out in paragraph 8 of resolution 1533 (2004) and expanded upon in paragraph 18 of resolution 1596 (2005), paragraph 4 of resolution 1649 (2005) and paragraph 14 of resolution 1698 (2006) and reaffirmed in paragraph 15 of resolution 1807 (2008) and paragraphs 6 and 25 of resolution 1857 (2008) to include the following tasks:

(a) To promulgate guidelines taking into account paragraphs 17 to 24 of resolution 1857 (2008), within six months from the date of adoption of this resolution, in order to facilitate the implementation of the measures imposed by this resolution, and keep them under active review as may be necessary;

(b) To hold regular consultations with concerned Member States in order to ensure full implementation of the measures set forth in this resolution;

(c) To specify the necessary information that Member States should provide in order to fulfil the notification requirement set out in paragraph 5 of resolution 1807 (2008) and to circulate this among Member States;

5. *Calls upon* all States, particularly those in the region and those in which individuals and entities designated pursuant to paragraph 3 of this resolution are based, to implement fully the measures specified in this resolution, and to cooperate fully with the Committee in carrying out its mandate, and further *calls upon* those Member States that have not previously done so to report to the Committee, within forty-five days from the date of adoption of this resolution, on the actions they have taken to implement the measures imposed by paragraphs 1, 2, and 3 above;

6. *Requests* the Secretary-General to extend, for a period expiring on 30 November 2010, the Group of Experts established pursuant to resolution 1533 (2004) and renewed by subsequent resolutions and requests the Group of Experts to fulfil its mandate as set out in paragraph 18 of resolution 1807 (2008) and expanded by paragraphs 9 and 10 of resolution 1857 (2008), and to report to the Council in writing, through the Committee, by 21 May 2010 and again before 20 October 2010;

7. *Decides* that the mandate of the Group of Experts referred to in paragraph 6 above shall also include the task to produce, taking into account paragraph 4 (g) of resolution 1857 (2008), drawing inter alia on their reports and taking advantage of work done in other forums, recommendations to the Committee for guidelines for the exercise of due diligence by the importers, processing industries and consumers of mineral products regarding the purchase, sourcing (including steps to be taken to ascertain the origin of mineral products), acquisition and processing of mineral products from the Democratic Republic of the Congo;

8. *Requests* the Group of Experts to focus its activities in North and South Kivu, Ituri and the Orientale Province, as well as on regional and international networks providing support to armed groups operating in the eastern part of the Democratic Republic of the Congo;

9. *Recommends* the Government of the Democratic Republic of the Congo to promote stockpile security, accountability and management of arms and ammunition as an urgent priority, and to implement a national weapons marking programme in line with the standards established by the Nairobi Protocol and the Regional Centre on Small Arms;

10. *Requests* the Governments of the Democratic Republic of the Congo and of all States, particularly those in the region, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the Group of Experts to cooperate intensively, including by exchanging information regarding arms shipments, trading routes and strategic mines known to be controlled or used by armed groups, flights from the Great Lakes region to the Democratic Republic of the Congo and from the Democratic Republic of the Congo to the Great Lakes region, the illegal exploitation and trafficking in natural resources, and activities of individuals and entities designated by the Committee pursuant to paragraph 4 of resolution 1857 (2008);

11. *Requests* in particular that MONUC share all relevant information with the Group of Experts, especially information on the recruitment and use of children, and on the targeting of women and children in situations of armed conflicts;

12. *Further demands* that all parties and all States ensure cooperation with the Group of Experts by individuals and entities within their jurisdiction or under their control, and *requests in this regard* all States to identify a focal point to the Committee in order to enhance cooperation and information sharing with the Group of Experts;

13. *Reiterates* its demand, expressed in paragraph 21 of resolution 1807 (2008) and reaffirmed in paragraph 14 of resolution 1857 (2008), that all parties and all States, particularly those in the region, cooperate fully with the work of the Group of Experts, and that they ensure the safety of its members, and unhindered and immediate access, in particular to persons, documents and sites the Group of Experts deems relevant to the execution of its mandate;

14. *Calls upon* Member States to take measures to ensure that importers, processing industries and consumers of Congolese mineral products under their jurisdiction exercise due diligence on their suppliers and on the origin of the minerals they purchase;

15. *Calls upon* Member States to cooperate fully with the Group of Experts in respect of its mandate under paragraph 7 of this resolution to develop recommendations for the Committee for guidelines for the exercise of due diligence, in particular by providing details of any relevant national guidelines, licensing requirements or legislation relating to trading in mineral products;

16. *Recommends* that importers and processing industries adopt policies and practices, as well as codes of conduct, to prevent indirect support to armed groups in the Democratic Republic of the Congo through the exploitation and trafficking of natural resources;

17. *Recommends further* that Member States, particularly those in the Great Lakes region, regularly publish full import and export statistics for gold, cassiterite, coltan and wolframite;

18. *Urges* the donor community to consider providing increased technical or other assistance and support to strengthen the institutional capacity of the mining, law enforcement and border control agencies and institutions of the Democratic Republic of the Congo;

19. *Encourages* Member States to submit to the Committee for inclusion on its list of designees, individuals or entities that meet the criteria set out in paragraph 4 of resolution 1857 (2008), as well as any entities owned or controlled, directly or indirectly, by the submitted individuals or entities acting on behalf of or at the direction of the submitted entities;

20. *Reiterates* the provisions on listing individuals and entities by Member States as set out in paragraphs 17, 18, 19 and 20 of resolution 1857 (2008), on de-listing individual and entities as set out in paragraphs 22, 23 and 24 of resolution 1857 (2008); and on the role of the Focal Point, as set out in resolution 1730 (2006);

21. *Decides* that, when appropriate and no later than 30 November 2010, it shall review the measures set forth in this resolution, with a view to adjusting them, as appropriate, in light of the security situation in the Democratic Republic of the Congo, in particular progress in security sector reform including the integration of the armed forces and the reform of the national police, and in disarming, demobilizing, repatriating, resettling and reintegrating, as appropriate, Congolese and foreign armed groups;

22. *Decides* to remain actively seized of the matter.

United Nations S/RES/1896 (2009)*

Security Council

Distr.: General
7 December 2009

Resolution 1896 (2009)

Adopted by the Security Council at its 6225th meeting, on 30 November 2009

The Security Council,

Recalling its previous resolutions, in particular resolution 1804 (2008), 1807 (2008) and 1857 (2008), and the statements of its President concerning the Democratic Republic of the Congo,

Reaffirming its commitment to the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo as well as all States in the region,

Taking note of the interim and final reports (S/2009/253 and S/2009/603) of the Group of Experts on the Democratic Republic of the Congo ("the Group of Experts") established pursuant to resolution 1771 (2007) and extended pursuant to resolutions 1807 (2008) and 1857 (2008) and of their recommendations,

Reiterating its serious concern regarding the presence of armed groups and militias in the eastern part of the Democratic Republic of the Congo, particularly in the provinces of North and South Kivu, Ituri and the Orientale Province, which perpetuate a climate of insecurity in the whole region,

Demanding that all armed groups, in particular the Forces Démocratiques de liberation du Rwanda (FDLR) and the Lord's Resistance Army (LRA), immediately lay down their arms and cease their attacks against the civilian population, demanding also that all the parties to the 23 March 2009 Agreements respect the ceasefire and implement their commitments effectively and in good faith,

Expressing concern about the support received by armed groups operating in the eastern part of the Democratic Republic of the Congo from regional and international networks,

Welcoming the commitments of the Democratic Republic of the Congo and the countries of the Great Lakes region to jointly promote peace and stability in the region, and *reiterating* the importance of the Government of the Democratic Republic of the Congo and all governments, particularly those in the region, taking effective steps to ensure that there is no support, in and from their territories, for the armed groups in the eastern part of the Democratic Republic of the Congo,

* Reissued for technical reasons.

Please recycle

Noting with great concern the persistence of human rights and humanitarian law violations against civilians in the eastern part of the Democratic Republic of the Congo, including the killing and displacement of significant numbers of civilians, the recruitment and use of child soldiers, and widespread sexual violence, *stressing* that the perpetrators must be brought to justice, *reiterating* its firm condemnation of all violations of human rights and international humanitarian law in the country, and *recalling* all its relevant resolutions on women and peace and security, on children and armed conflict, and on the protection of civilians in armed conflicts,

Stressing the primary responsibility of the Government of the Democratic Republic of the Congo for ensuring security in its territory and protecting its civilians with respect for the rule of law, human rights and international humanitarian law,

Stressing the need to fight impunity as an integral part of the much-needed comprehensive reform of the security sector, and *strongly encouraging* the Government of the Democratic Republic of the Congo to implement its "zero-tolerance policy" against criminal acts and misconduct in the armed forces,

Encouraging the Government of the Democratic Republic of the Congo to take concrete measures to reform the justice sector and implement the Penitentiary System Reform Action Plan, in order to ensure a fair and credible system against impunity,

Recalling its resolution 1502 (2003) on the protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones,

Condemning the continuing illicit flow of weapons within and into the Democratic Republic of the Congo in violation of resolutions 1533 (2004), 1807 (2008) and 1857 (2008), *declaring* its determination to continue to monitor closely the implementation of the arms embargo and other measures set out by its resolutions concerning the Democratic Republic of the Congo, and *stressing* the obligation of all States to abide by the notification requirements set out in paragraph 5 of resolution 1807 (2008),

Recognizing the linkage between the illegal exploitation of natural resources, illicit trade in such resources and the proliferation and trafficking of arms as one of the major factors fuelling and exacerbating conflicts in the Great Lakes region of Africa,

Welcoming the announcement from the Department of Peacekeeping Operations of its intention to develop guidelines to enhance cooperation and information-sharing between the United Nations peacekeeping missions and the Security Council's Sanctions Committees' expert panels,

Determining that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to renew until 30 November 2010 the measures on arms imposed by paragraph 1 of resolution 1807 (2008) and *reaffirms* the provisions of paragraphs 2, 3 and 5 of that resolution;

2. *Decides* to renew, for the period specified in paragraph 1 above, the measures on transport imposed by paragraphs 6 and 8 of resolution 1807 (2008) and *reaffirms* the provisions of paragraph 7 of that resolution;

3. *Decides* to renew, for the period specified in paragraph 1 above, the financial and travel measures imposed by paragraphs 9 and 11 of resolution 1807 (2008) and *reaffirms* the provisions of paragraphs 10 and 12 of that resolution regarding the individuals and entities referred to in paragraph 4 of resolution 1857 (2008);

4. *Decides further* to expand the mandate of the Committee as set out in paragraph 8 of resolution 1533 (2004) and expanded upon in paragraph 18 of resolution 1596 (2005), paragraph 4 of resolution 1649 (2005) and paragraph 14 of resolution 1698 (2006) and reaffirmed in paragraph 15 of resolution 1807 (2008) and paragraphs 6 and 25 of resolution 1857 (2008) to include the following tasks:

(a) To promulgate guidelines taking into account paragraphs 17 to 24 of resolution 1857 (2008), within six months from the date of adoption of this resolution, in order to facilitate the implementation of the measures imposed by this resolution, and keep them under active review as may be necessary;

(b) To hold regular consultations with concerned Member States in order to ensure full implementation of the measures set forth in this resolution;

(c) To specify the necessary information that Member States should provide in order to fulfil the notification requirement set out in paragraph 5 of resolution 1807 (2008) and to circulate this among Member States;

5. *Calls upon* all States, particularly those in the region and those in which individuals and entities designated pursuant to paragraph 3 of this resolution are based, to implement fully the measures specified in this resolution, and to cooperate fully with the Committee in carrying out its mandate, and further *calls upon* those Member States that have not previously done so to report to the Committee, within forty-five days from the date of adoption of this resolution, on the actions they have taken to implement the measures imposed by paragraphs 1, 2, and 3 above;

6. *Requests* the Secretary-General to extend, for a period expiring on 30 November 2010, the Group of Experts established pursuant to resolution 1533 (2004) and renewed by subsequent resolutions and requests the Group of Experts to fulfil its mandate as set out in paragraph 18 of resolution 1807 (2008) and expanded by paragraphs 9 and 10 of resolution 1857 (2008), and to report to the Council in writing, through the Committee, by 21 May 2010 and again before 20 October 2010;

7. *Decides* that the mandate of the Group of Experts referred to in paragraph 6 above shall also include the task to produce, taking into account paragraph 4 (g) of resolution 1857 (2008), drawing inter alia on their reports and taking advantage of work done in other forums, recommendations to the Committee for guidelines for the exercise of due diligence by the importers, processing industries and consumers of mineral products regarding the purchase, sourcing (including steps to be taken to ascertain the origin of mineral products), acquisition and processing of mineral products from the Democratic Republic of the Congo;

8. *Requests* the Group of Experts to focus its activities in North and South Kivu, Ituri and the Orientale Province, as well as on regional and international

networks providing support to armed groups operating in the eastern part of the Democratic Republic of the Congo;

9. *Recommends* the Government of the Democratic Republic of the Congo to promote stockpile security, accountability and management of arms and ammunition as an urgent priority, and to implement a national weapons marking programme in line with the standards established by the Nairobi Protocol and the Regional Centre on Small Arms;

10. *Requests* the Governments of the Democratic Republic of the Congo and of all States, particularly those in the region, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the Group of Experts to cooperate intensively, including by exchanging information regarding arms shipments, trading routes and strategic mines known to be controlled or used by armed groups, flights from the Great Lakes region to the Democratic Republic of the Congo and from the Democratic Republic of the Congo to the Great Lakes region, the illegal exploitation and trafficking in natural resources, and activities of individuals and entities designated by the Committee pursuant to paragraph 4 of resolution 1857 (2008);

11. *Requests* in particular that MONUC share all relevant information with the Group of Experts, especially information on the recruitment and use of children, and on the targeting of women and children in situations of armed conflicts;

12. *Further demands* that all parties and all States ensure cooperation with the Group of Experts by individuals and entities within their jurisdiction or under their control, and *requests in this regard* all States to identify a focal point to the Committee in order to enhance cooperation and information sharing with the Group of Experts;

13. *Reiterates* its demand, expressed in paragraph 21 of resolution 1807 (2008) and reaffirmed in paragraph 14 of resolution 1857 (2008), that all parties and all States, particularly those in the region, cooperate fully with the work of the Group of Experts, and that they ensure the safety of its members, and unhindered and immediate access, in particular to persons, documents and sites the Group of Experts deems relevant to the execution of its mandate;

14. *Calls upon* Member States to take measures to ensure that importers, processing industries and consumers of Congolese mineral products under their jurisdiction exercise due diligence on their suppliers and on the origin of the minerals they purchase;

15. *Calls upon* Member States to cooperate fully with the Group of Experts in respect of its mandate under paragraph 7 of this resolution to develop recommendations for the Committee for guidelines for the exercise of due diligence, in particular by providing details of any relevant national guidelines, licensing requirements or legislation relating to trading in mineral products;

16. *Recommends* that importers and processing industries adopt policies and practices, as well as codes of conduct, to prevent indirect support to armed groups in the Democratic Republic of the Congo through the exploitation and trafficking of natural resources;

17. *Recommends further* that Member States, particularly those in the Great Lakes region, regularly publish full import and export statistics for gold, cassiterite, coltan and wolframite;

18. *Urges* the donor community to consider providing increased technical or other assistance and support to strengthen the institutional capacity of the mining, law enforcement and border control agencies and institutions of the Democratic Republic of the Congo;

19. *Encourages* Member States to submit to the Committee for inclusion on its list of designees, individuals or entities that meet the criteria set out in paragraph 4 of resolution 1857 (2008), as well as any entities owned or controlled, directly or indirectly, by the submitted individuals or entities, or individuals or entities acting on behalf of or at the direction of the submitted entities;

20. *Reiterates* the provisions on listing individuals and entities by Member States as set out in paragraphs 17, 18, 19 and 20 of resolution 1857 (2008), on de-listing individual and entities as set out in paragraphs 22, 23 and 24 of resolution 1857 (2008); and on the role of the Focal Point, as set out in resolution 1730 (2006);

21. *Decides* that, when appropriate and no later than 30 November 2010, it shall review the measures set forth in this resolution, with a view to adjusting them, as appropriate, in light of the security situation in the Democratic Republic of the Congo, in particular progress in security sector reform including the integration of the armed forces and the reform of the national police, and in disarming, demobilizing, repatriating, resettling and reintegrating, as appropriate, Congolese and foreign armed groups;

22. *Decides* to remain actively seized of the matter.

United Nations S/RES/1897 (2009)

Security Council

Distr.: General
30 November 2009

Resolution 1897 (2009)

Adopted by the Security Council at its 6226th meeting, on 30 November 2009

The Security Council,

Recalling its previous resolutions concerning the situation in Somalia, especially resolutions 1814 (2008), 1816 (2008), 1838 (2008), 1844 (2008), 1846 (2008), and 1851 (2008),

Continuing to be gravely concerned by the ongoing threat that piracy and armed robbery at sea against vessels pose to the prompt, safe, and effective delivery of humanitarian aid to Somalia and the region, to international navigation and the safety of commercial maritime routes, and to other vulnerable ships, including fishing activities in conformity with international law and the extended range of the piracy threat into the western Indian Ocean,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia, including Somalia's rights with respect to offshore natural resources, including fisheries, in accordance with international law,

Further reaffirming that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 ("The Convention"), sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities,

Again taking into account the crisis situation in Somalia, and the limited capacity of the Transitional Federal Government (TFG) to interdict, or upon interdiction to prosecute pirates or to patrol or secure the waters off the coast of Somalia, including the international sea lanes and Somalia's territorial waters,

Noting the several requests from the TFG for international assistance to counter piracy off its coast, including the letters of 2 and 6 November 2009 from the Permanent Representative of Somalia to the United Nations expressing the appreciation of the TFG to the Security Council for its assistance, expressing the TFG's willingness to consider working with other States and regional organizations to combat piracy and armed robbery at sea off the coast of Somalia, and requesting that the provisions of resolutions 1846 (2008) and 1851 (2008) be renewed for an additional twelve months,

Please recycle

Commending the efforts of the EU operation Atalanta, which the European Union is committed to extending until December 2010, North Atlantic Treaty Organization operations Allied Protector and Ocean Shield, Combined Maritime Forces' Combined Task Force 151, and other States acting in a national capacity in cooperation with the TFG and each other, to suppress piracy and to protect vulnerable ships transiting through the waters off the coast of Somalia,

Noting with concern that the continuing limited capacity and domestic legislation to facilitate the custody and prosecution of suspected pirates after their capture has hindered more robust international action against the pirates off the coast of Somalia, and in some cases has led to pirates being released without facing justice, regardless of whether there is sufficient evidence to support prosecution, *reiterating* that, consistent with the provisions of the Convention concerning the repression of piracy, the 1988 Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation ("SUA Convention") provides for parties to create criminal offences, establish jurisdiction, and accept delivery of persons responsible for or suspected of seizing or exercising control over a ship by force or threat thereof or any other form of intimidation, and *stressing* the need for States to criminalize piracy under their domestic law and to favourably consider the prosecution, in appropriate cases, of suspected pirates, consistent with applicable international law,

Commending the Republic of Kenya's efforts to prosecute suspected pirates in its national courts, and *noting* with appreciation the assistance being provided by the United Nations Office of Drugs and Crime (UNODC) and other international organizations and donors, in coordination with the Contact Group on Piracy off the Coast of Somalia ("CGPCS"), to support Kenya, Somalia and other States in the region, including Seychelles and Yemen, to take steps to prosecute or incarcerate in a third state after prosecution elsewhere captured pirates consistent with applicable international human rights law,

Noting the ongoing efforts within the CGPCS to explore possible additional mechanisms to effectively prosecute persons suspected of piracy and armed robbery at sea off the coast of Somalia,

Further noting with appreciation the ongoing efforts by UNODC and UNDP to support efforts to enhance the capacity of the corrections system in Somalia, including regional authorities, to incarcerate convicted pirates consistent with applicable international human rights law,

Welcoming the adoption of the Djibouti Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden, and the establishment of the International Maritime Organization (IMO) Djibouti Code Trust Fund (Multi-donor trust fund- Japan initiated), as well as the International Trust Fund Supporting Initiatives of the CGPCS, and *recognizing* the efforts of signatory States to develop the appropriate regulatory and legislative frameworks to combat piracy, enhance their capacity to patrol the waters of the region, interdict suspect vessels, and prosecute suspected pirates,

Emphasizing that peace and stability within Somalia, the strengthening of State institutions, economic and social development and respect for human rights and the rule of law are necessary to create the conditions for a durable eradication of piracy

and armed robbery at sea off the coast of Somalia, and further emphasizing that Somalia's long-term security rests with the effective development by the TFG of the National Security Force and Somali Police Force, in the framework of the Djibouti Agreement and in line with a national security strategy,

Determining that the incidents of piracy and armed robbery at sea off the coast of Somalia exacerbate the situation in Somalia, which continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reiterates* that it condemns and deplores all acts of piracy and armed robbery against vessels in the waters off the coast of Somalia;

2. *Notes* again its concern regarding the findings contained in the 20 November 2008 report of the Monitoring Group on Somalia (S/2008/769, page 55) that escalating ransom payments and the lack of enforcement of the arms embargo established by resolution 733 (1992) are fuelling the growth of piracy off the coast of Somalia, and calls upon all States to fully cooperate with the Monitoring Group on Somalia;

3. *Renews* its call upon States and regional organizations that have the capacity to do so, to take part in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular, consistent with this resolution and international law, by deploying naval vessels, arms and military aircraft and through seizures and disposition of boats, vessels, arms and other related equipment used in the commission of piracy and armed robbery at sea off the coast of Somalia, or for which there are reasonable grounds for suspecting such use;

4. *Commends the work* of the CGPCS to facilitate coordination in order to deter acts of piracy and armed robbery at sea off the coast of Somalia, in cooperation with the IMO, flag States, and the TFG and *urges* States and international organizations to continue to support these efforts;

5. *Acknowledges* Somalia's rights with respect to offshore natural resources, including fisheries, in accordance with international law, and *calls upon* States and interested organizations, including the IMO, to provide technical assistance to Somalia, including regional authorities, and nearby coastal States upon their request to enhance their capacity to ensure coastal and maritime security, including combating piracy and armed robbery at sea off the Somali and nearby coastlines, and stresses the importance of coordination in this regard through the CGPCS;

6. *Invites* all States and regional organizations fighting piracy off the coast of Somalia to conclude special agreements or arrangements with countries willing to take custody of pirates in order to embark law enforcement officials ("shipriders") from the latter countries, in particular countries in the region, to facilitate the investigation and prosecution of persons detained as a result of operations conducted under this resolution for acts of piracy and armed robbery at sea off the coast of Somalia, provided that the advance consent of the TFG is obtained for the exercise of third state jurisdiction by shipriders in Somali territorial waters and that such agreements or arrangements do not prejudice the effective implementation of the SUA Convention;

7. *Encourages* Member States to continue to cooperate with the TFG in the fight against piracy and armed robbery at sea, notes the primary role of the TFG in

the fight against piracy and armed robbery at sea, and *decides* that for a period of twelve months from the date of this resolution to renew the authorizations as set out in paragraph 10 of Resolution 1846 (2008) and paragraph 6 of Resolution 1851 (2008) granted to States and regional organizations cooperating with the TFG in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by the TFG to the Secretary-General;

8. *Affirms* that the authorizations renewed in this resolution apply only with respect to the situation in Somalia and shall not affect the rights or obligations or responsibilities of Member States under international law, including any rights or obligations under the Convention, with respect to any other situation, and underscores in particular that this resolution shall not be considered as establishing customary international law; and *affirms further* that such authorizations have been renewed only following the receipt of the 2 and 6 November 2009 letters conveying the consent of the TFG;

9. *Affirms* that the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) do not apply to weapons and military equipment destined for the sole use of Member States and regional organizations undertaking measures in accordance with paragraph 7 above or to supplies of technical assistance to Somalia solely for the purposes set out in paragraphs 5 above which have *been exempted* from those measures in accordance with the procedure set out in paragraphs 11 (b) and 12 of resolution 1772 (2007);

10. *Requests* that cooperating States take appropriate steps to ensure that the activities they undertake pursuant to the authorizations in paragraph 7 do not have the practical effect of denying or impairing the right of innocent passage to the ships of any third State;

11. *Calls on* Member States to assist Somalia, at the request of the TFG and with notification to the Secretary-General, to strengthen capacity in Somalia, including regional authorities, to bring to justice those who are using Somali territory to plan, facilitate, or undertake criminal acts of piracy and armed robbery at sea, and *stresses* that any measures undertaken pursuant to this paragraph shall be consistent with applicable international human rights law;

12. *Calls upon* all States, and in particular flag, port, and coastal States, States of the nationality of victims and perpetrators of piracy and armed robbery, and other States with relevant jurisdiction under international law and national legislation, to cooperate in determining jurisdiction, and in the investigation and prosecution of persons responsible for acts of piracy and armed robbery off the coast of Somalia, consistent with applicable international law including international human rights law, to ensure that all pirates handed over to judicial authorities are subject to a judicial process, and to render assistance by, among other actions, providing disposition and logistics assistance with respect to persons under their jurisdiction and control, such as victims and witnesses and persons detained as a result of operations conducted under this resolution;

13. *Commends* in this context the decision by the CGPCS to establish an International Trust Fund to support its initiatives and *encourages* donors to contribute to it;

14. *Urges* States parties to the Convention and the SUA Convention to fully implement their relevant obligations under these Conventions and customary international law and cooperate with the UNODC, IMO, and other States and other international organizations to build judicial capacity for the successful prosecution of persons suspected of piracy and armed robbery at sea off the coast of Somalia;

15. *Welcomes* the revisions by the IMO to its recommendations and guidance on preventing and suppressing piracy and armed robbery against ships, and *urges* States, in collaboration with the shipping and insurance industries, and the IMO, to continue to develop and implement avoidance, evasion, and defensive best practices and advisories to take when under attack or when sailing in the waters off the coast of Somalia, and further urges States to make their citizens and vessels available for forensic investigation as appropriate at the first port of call immediately following an act or attempted act of piracy or armed robbery at sea or release from captivity;

16. *Requests* States and regional organizations cooperating with the TFG to inform the Security Council and the Secretary-General within nine months of the progress of actions undertaken in the exercise of the authorizations provided in paragraph 7 above and further requests all States contributing through the CGPCS to the fight against piracy off the coast of Somalia, including Somalia and other States in the region, to report by the same deadline on their efforts to establish jurisdiction and cooperation in the investigation and prosecution of piracy;

17. *Requests* the Secretary-General to report to the Security Council within 11 months of the adoption of this resolution on the implementation of this resolution and on the situation with respect to piracy and armed robbery at sea off the coast of Somalia;

18. *Requests* the Secretary General of the IMO to brief the Security Council on the basis of cases brought to his attention by the agreement of all affected coastal States, and duly taking into account the existing bilateral and regional cooperative arrangements, on the situation with respect to piracy and armed robbery;

19. *Expresses* its intention to review the situation and consider, as appropriate, renewing the authorizations provided in paragraph 7 above for additional periods upon the request of the TFG;

20. *Decides* to remain seized of the matter.

United Nations S/RES/1898 (2009)

Security Council

Distr.: General
14 December 2009

Resolution 1898 (2009)

Adopted by the Security Council at its 6239th meeting, on 14 December 2009

The Security Council,

Welcoming the reports of the Secretary-General of 25 November 2009 (S/2009/609) on the United Nations operation in Cyprus and of 30 November 2009 (S/2009/610) on his mission of good offices in Cyprus,

Noting that the Government of Cyprus is agreed that in view of the prevailing conditions on the island it is necessary to keep the United Nations Peacekeeping force in Cyprus (UNFICYP) beyond 15 December 2009,

Echoing the Secretary-General's firm belief that the responsibility for finding a solution lies first and foremost with the Cypriots themselves, *stressing* that there now exists a rare opportunity to make decisive progress in a timely fashion, and *reaffirming* the primary role of the United Nations in assisting the parties to bring the Cyprus conflict and division of the island to a comprehensive and durable settlement,

Commending the Greek Cypriot and Turkish Cypriot leaders for the political leadership they have shown, and warmly *welcoming* the progress made so far in the fully-fledged negotiations, and the leaders' joint statements,

Strongly urging the leaders to increase the momentum in the negotiations to ensure the full exploitation of this opportunity to reach a comprehensive settlement based on a bicommunal, bizonal federation with political equality, as set out in the relevant Security Council resolutions,

Emphasizing the importance attached by the international community of all parties engaging fully, flexibly and constructively in the negotiations, and *looking forward* to decisive progress in those negotiations in the near future,

Welcoming the intention of the Secretary-General to keep the Council informed of further developments and progress,

Welcoming also the implementation of some of the confidence-building measures announced by the leaders, and *calling* for a renewed effort to implement the remaining measures and for agreement on and implementation of further steps to build trust between the communities,

Please recycle

Reaffirming the importance of continued crossings of the Green Line by Cypriots, *encouraging* the opening by mutual agreement of other crossing points, *welcoming* the leaders' agreement to open the Limnitis/Yesilirmak crossing point and the successful first trial crossing of ambulances from both sides, and *urging* implementation of the second phase of the restoration of the Ledra Street crossing,

Convinced of the many important benefits for all Cypriots that would flow from a comprehensive and durable Cyprus settlement, and *encouraging* both sides clearly to explain these benefits, as well as the need for increased flexibility and compromise in order to secure them, to both communities well in advance of any eventual referenda,

Highlighting the supportive role the international community will continue to play in helping the Greek Cypriot and Turkish Cypriot leaders to exploit fully the current opportunity,

Taking note of the assessment of the Secretary-General that the security situation on the island and along the Green Line remains stable, and *urging* all sides to avoid any action which could lead to an increase in tension, undermine the good progress achieved so far, or damage the goodwill on the island,

Recalling the Secretary-General's firm belief that the situation in the buffer zone would be improved if both sides accepted the 1989 aide-memoire used by the United Nations,

Welcoming the progress made in proceeding with demining activities, *looking forward* to the clearance of the remaining minefields, and *regretting* the tragic loss of life on 28 October of a civilian contractor working for the Mine Action Centre,

Welcoming the progress and continuation of the important activities of the Committee on Missing Persons, and *trusting* that this process will promote reconciliation between the communities,

Agreeing that active participation of civil society groups is essential to the political process and can contribute to making any future settlement sustainable, *welcoming* all efforts to promote bicommunal contacts and events including, inter alia, on the part of all United Nations bodies on the island, and *urging* the two sides to promote the active engagement of civil society and the encouragement of cooperation between economic and commercial bodies and to remove all obstacles to such contacts,

Stressing the need for the Council to pursue a rigorous, strategic approach to peacekeeping deployments,

Welcoming the intention of the Secretary-General to keep all peacekeeping operations, including those of UNFICYP, under close review and noting the importance of contingency planning in relation to the settlement, including recommendations as appropriate for further adjustments to UNFICYP's mandate, force levels and concept of operations, taking into account developments on the ground and the views of the parties,

Welcoming the continued efforts of Alexander Downer as the Secretary-General's Special Advisor with a mandate to assist the parties in the conduct of fully-fledged negotiations aimed at reaching a comprehensive settlement,

Echoing also the Secretary-General's gratitude to the Government of Cyprus and the Government of Greece for their voluntary contributions to the funding of UNFICYP, and his request for further voluntary contributions from other countries and organizations,

Welcoming and encouraging efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

1. *Welcomes* the analysis of developments on the ground over the last six months in the Secretary-General's reports, in accordance with his mandate;

2. *Welcomes* also the progress made so far in the fully fledged negotiations, and the prospect of further progress in the near future towards a comprehensive and durable settlement that this has created;

3. *Urges* full exploitation of this opportunity, including by intensifying the momentum of negotiations, improving the current atmosphere of trust and goodwill, and engaging in the process in a constructive and open manner;

4. *Urges also* the implementation of confidence-building measures, and *looks forward* to agreement on and implementation of further such steps, including the opening of other crossing points;

5. *Reaffirms* all its relevant resolutions on Cyprus, in particular resolution 1251 (1999) of 29 June 1999 and subsequent resolutions;

6. *Expresses* its full support for UNFICYP and decides to extend its mandate for a further period ending 15 June 2010;

7. *Calls* on both sides to continue to engage, as a matter of urgency and while respecting UNFICYP's mandate, in consultations with UNFICYP on the demarcation of the buffer zone, and on the United Nations 1989 aide-memoire, with a view to reaching early agreement on outstanding issues;

8. *Calls* on the Turkish Cypriot side and Turkish forces to restore in Strovilia the military status quo which existed there prior to 30 June 2000;

9. *Requests* the Secretary-General to submit a report on implementation of this resolution, including on contingency planning in relation to the settlement, by 1 June 2010 and to keep the Security Council updated on events as necessary;

10. *Welcomes* the efforts being undertaken by UNFICYP to implement the Secretary-General's zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and urges troop-contributing countries to take appropriate preventive action including the conduct of predeployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel;

11. *Decides* to remain seized of the matter.

United Nations S/RES/1899 (2009)

Security Council

Distr.: General
16 December 2009

Resolution 1899 (2009)

Adopted by the Security Council at its 6241st meeting, on 16 December 2009

The Security Council,

Having considered the report of the Secretary-General on the United Nations Disengagement Observer Force of 18 November 2009 (S/2009/597), and also reaffirming its resolution 1308 (2000) of 17 July 2000,

1. *Calls upon* the parties concerned to implement immediately its resolution 338 (1973) of 22 October 1973;

2. *Welcomes* the efforts being undertaken by the United Nations Disengagement Observer Force to implement the Secretary-General's zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and urges troop-contributing countries to take preventive and disciplinary action to ensure that such acts are properly investigated and punished in cases involving their personnel;

3. *Decides* to renew the mandate of the United Nations Disengagement Observer Force for a period of six months, that is, until 30 June 2010;

4. *Requests* the Secretary-General to submit, at the end of this period, a report on developments in the situation and the measures taken to implement resolution 338 (1973).

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United Nations S/RES/1900 (2009)

Security Council

Distr.: General
16 December 2009

Resolution 1900 (2009)

Adopted by the Security Council at its 6242nd meeting, on 16 December 2009

The Security Council,

Taking note of the letter to the President of the Council from the Secretary-General dated 28 October 2009 (S/2009/570), attaching the letter from the President of the International Tribunal for the Former Yugoslavia ("the International Tribunal") dated 29 September 2009,

Recalling its resolutions 827 (1993) of 25 May 1993, 1581 (2005) of 18 January 2005, 1597 (2005) of 20 April 2005, 1613 (2005) of 26 July 2005, 1629 (2005) of 30 September 2005, 1660 (2006) of 28 February 2006, 1668 (2006) of 10 April 2006, 1800 (2008) of 20 February 2008, 1837 (2008) of 29 September 2008, 1849 (2008) of 12 December 2008, and 1877 (2009) of 7 July 2009,

Recalling in particular its resolutions 1503 (2003) of 28 August 2003 and 1534 (2004) of 26 March 2004, in which the Security Council calls on the International Tribunal to take all possible measures to complete investigations by the end of 2004, to complete all trial activities at first instance by the end of 2008, and to complete all work in 2010,

Taking note of the assessment by the International Tribunal in its Completion Strategy Report (S/2009/589) that the Tribunal will not be in a position to complete all its work in 2010,

Recalling that in resolution 1877 (2009) the Security Council extended the term of office of permanent judges and ad litem judges until 31 December 2010, or until the completion of the cases to which they are assigned, if sooner; and decided to review the extension of the term of office of the permanent judges at the International Tribunal, who are members of the Appeals Chamber, by 31 December 2009, in light of the progress of the International Tribunal in the implementation of the Completion Strategy,

Convinced of the advisability of allowing the total number of ad litem judges serving at the International Tribunal to temporarily exceed the maximum of twelve provided for in article 12, paragraph 1, of the Statute of the International Tribunal,

Urging the International Tribunal to take all possible measures to complete its work expeditiously,

Please recycle

Acting under Chapter VII of the Charter of the United Nations,

1. *Underlines* its intention to extend, by 30 June 2010, the terms of office of all trial judges at the International Tribunal based on the Tribunal's projected trial schedule and the terms of office of all appeals judges until 31 December 2012, or until the completion of the cases to which they are assigned if sooner, *and requests* the President of the International Tribunal to submit to the Council an updated trial and appeals schedule, including information on the judges whose extension of the terms of office or redeployment to the Appeals Chamber will be sought;

2. *Decides* that, notwithstanding the expiry of their terms of office on 31 December 2009, Judges Kimberley Prost (Canada) and Ole Bjørn Stole (Norway) complete the *Popović* case which they began before the expiry of their terms of office; and *takes note* of the intention of the International Tribunal to complete the case before the end of March 2010;

3. *Decides* in this regard that the total number of ad litem judges serving at the International Tribunal may temporarily exceed the maximum of twelve provided for in article 12, paragraph 1, of the Statute of the International Tribunal, to a maximum of thirteen at any one time, returning to a maximum of twelve by 31 March 2010;

4. *Decides* to allow ad litem Judges Prost and Stole to serve at the International Tribunal beyond the cumulative period of service provided for under article 13 *ter*, paragraph 2, of the Statute of the International Tribunal;

5. *Decides* to remain seized of the matter.

United Nations S/RES/1901 (2009)

Security Council

Distr.: General
16 December 2009

Resolution 1901 (2009)

Adopted by the Security Council at its 6243rd meeting, on 16 December 2009

The Security Council,

Taking note of the letters to the President of the Council from the Secretary-General dated 2 November 2009 (S/2009/571) and 23 November 2009 (S/2009/601), attaching letters from the President of the International Criminal Tribunal for Rwanda ("the International Tribunal") dated 15 October 2009 and 6 November 2009, respectively,

Recalling its resolutions 955 (1994) of 8 November 1994, 1165 (1998) of 30 April 1998, 1329 (2000) of 30 November 2000, 1411 (2002) of 17 May 2002, 1431 (2002) of 14 August 2002, 1717 (2006) of 13 October 2006, 1824 (2008) of 18 July 2008, 1855 (2008) of 19 December 2008, and 1878 (2009) of 7 July 2009,

Recalling in particular its resolutions 1503 (2003) of 28 August 2003 and 1534 (2004) of 26 March 2004, in which the Security Council calls on the International Tribunal to take all possible measures to complete investigations by the end of 2004, to complete all trial activities at first instance by the end of 2008, and to complete all work in 2010,

Taking note of the assessment by the International Tribunal in its Completion Strategy Report (S/2009/587) that the Tribunal will not be in a position to complete all its work in 2010,

Recalling that in resolution 1878 (2009) the Security Council extended the term of office of permanent judges and ad litem judges, who are members of the Trial Chambers, until 31 December 2010, or until the completion of the cases to which they are assigned, if sooner; and decided to review the extension of the term of office of the permanent judges at the International Tribunal, who are members of the Appeals Chamber, by 31 December 2009, in light of the progress of the International Tribunal in the implementation of its Completion Strategy,

Convinced of the advisability of extending the authorization granted to the Secretary-General in resolution 1855 (2008) to appoint additional ad litem judges to the nine ad litem judges authorized by the Statute of the International Tribunal, as a temporary measure to enable the International Tribunal to complete trials and conduct additional trials as soon as possible in order to meet the goals of the Completion Strategy,

Please recycle

Urging the International Tribunal to take all possible measures to complete its work expeditiously,

Acting under Chapter VII of the Charter of the United Nations,

1. *Underlines* its intention to extend, by 30 June 2010, the terms of office of all trial judges at the International Tribunal based on the Tribunal's projected trial schedule and the terms of office of all appeals judges until 31 December 2012, or until the completion of the cases to which they are assigned if sooner, and *requests* the President of the International Tribunal to submit to the Council an updated trial and appeals schedule, including information on the judges whose extension of the terms of office or redeployment to the Appeals Chamber will be sought;

2. *Decides* that in order for the International Tribunal to complete existing trials or conduct additional trials the total number of ad litem Judges serving at the International Tribunal may from time to time temporarily exceed the maximum of nine provided for in article 11, paragraph 1, of the Statute of the International Tribunal, to a maximum of twelve at any one time, returning to a maximum of nine by 31 December 2010;

3. *Decides* that, notwithstanding the expiry of his term of office on 31 December 2009, Judge Erik Møse complete the *Setako* case which he began before the expiry of his term of office; and *takes note* of the intention of the International Tribunal to complete the case before the end of February 2010;

4. *Decides* to remain seized of the matter.

United Nations S/RES/1902 (2009)

Security Council

Distr.: General
17 December 2009

Resolution 1902 (2009)

Adopted by the Security Council at its 6245th meeting, on 17 December 2009

The Security Council,

Recalling its resolutions and the statements of its President on Burundi, in particular resolutions 1719 (2006), 1791 (2007) and 1858 (2008),

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Burundi,

Reaffirming the importance of the Declaration of the Summit of the Heads of State and Government of the Great Lakes Region on the Burundi Peace Process, which took place in Bujumbura on 4 December 2008 and the agreements reached between the Government of Burundi and the *Forces Nationales de Libération* (Palipehutu-FNL),

Paying tribute to the Regional Peace Initiative, the South African Facilitation, the Partnership for Peace in Burundi, the African Union and the Political Directorate for their sustained engagement in support of Burundi's peace consolidation efforts,

Welcoming the progress achieved by Burundi in key peace consolidation areas, as well as the remaining challenges, in particular the transformation of the Palipehutu-FNL into a political party (FNL), nominating FNL leaders to civil service positions, strengthening good governance, ensuring the sustainability of the disarmament, demobilization and reintegration process, and taking forward the reform of the security sector,

Commending the Government of Burundi and the political parties for the consensus achieved in nominating the members of the Independent National Electoral Commission and the consensual adoption of the revised electoral code, *welcoming* the decision of the Government to provide a legal framework for the Permanent Forum for Dialogue among parties and *recalling* the importance that the elections scheduled for 2010 are prepared and conducted in a free, fair and peaceful environment,

Emphasizing the need for the United Nations system and the international community to maintain their support for peace consolidation and long-term development in Burundi *welcoming* in this regard the holding of the Consultative

Please recycle

Group meeting of donors in Paris in October 2009, and the twin mechanism put in place to coordinate international assistance for the elections,

Welcoming the continued engagement of the Peacebuilding Commission in Burundi and the recent visit of the Chairman of the Commission's Burundi configuration and *taking note* of the July 2009 biannual review of progress in the implementation of the Strategic Framework for Peacebuilding in Burundi and of the briefing of the Chairman of the Burundi configuration of the Peacebuilding Commission on 10 December 2009,

Recognizing the importance of transitional justice in promoting lasting reconciliation among all the people of Burundi and *welcoming* the process of national consultations on the establishment of transitional justice mechanisms, in accordance with the Arusha Agreements of 2000 and its resolution 1606 (2005),

Noting with concern the continuing human rights violations and restrictions on civil liberties, including restrictions on the freedom of assembly and expression of the political opposition and representatives of civil society and *expressing equal concern* for the reports of violence perpetuated by youth groups associated with some political parties,

Encouraging the Government of Burundi to continue its efforts to fight impunity, and to bring to expeditious conclusion cases of human rights violations, including killings,

Recalling its resolutions 1325 (2000), 1820 (2008), 1888 (2009) and 1889 (2009) on women and peace and security, its resolutions 1674 (2006) and 1894 (2009) on the protection of civilians in armed conflicts and its resolutions 1612 (2005) and 1882 (2009) on children and armed conflict,

Having considered the sixth report (S/2009/611) of the Secretary-General on the United Nations Integrated Office in Burundi (BINUB),

1. *Decides* to extend until 31 December 2010 the mandate of BINUB, as set out in resolutions 1719 (2006), and renewed in its resolution 1791 (2007) and 1858 (2008);

2. *Encourages* the Government of Burundi and the FNL to make every effort to achieve the implementation of the 4 December 2008 Agreements, *calls* on all parties to desist from any action that may foster the resumption of tensions and *encourages* them to resolve outstanding issues in the spirit of reconciliation and dialogue enshrined in the Burundian Constitution;

3. *Acknowledges* the contribution brought to peace-building in Burundi by the Regional Initiative, the South African facilitation, the Political Directorate and the Partnership for Peace in Burundi until 2009 and *encourages* the Regional Initiative leaders, the African Union, and other international partners to remain actively engaged on the ground to ensure that the implementation of the 4 December 2008 Declaration is irreversible and to consolidate the peace process;

4. *Reiterates* its request for the Secretary-General, in particular through BINUB, to play a robust political role in support of all facets of the peace process, in full coordination with subregional, regional and international partners;

5. *Decides* that BINUB, working in close cooperation with the Government of Burundi, shall pay particular attention to supporting the electoral process,

democratic governance, the consolidation of peace, sustainable reintegration and gender issues;

6. *Recognizes* the primary responsibility of the Government of Burundi and its national partners to create the propitious conditions for the elections in 2010, *urges* the Government of Burundi to take the necessary measures to create an environment conducive to the holding of free, fair and peaceful elections in 2010 and *encourages* the Government of Burundi and the political parties to remain engaged in dialogue, in particular through the Permanent Forum for Dialogue;

7. *Urges* the Government of Burundi and the political parties to continue their efforts to preserve the independence and credibility of the Independent National Electoral Commission;

8. *Supports* the launch in September 2009 by President Nkurunziza of a nationwide civic education campaign for the elections and *encourages* the pursuit of civic education activities throughout the electoral process;

9. *Welcomes* the United Nations readiness to assist in the electoral process and *requests* BINUB to be prepared to provide, within its existing resources and if required, logistical support to the Independent National Electoral Commission at crucial phases of the electoral process;

10. *Reiterates* its request to the Executive Representative of the Secretary-General to facilitate and promote dialogue among national and international stakeholders, in particular in the context of the upcoming elections, while continuing to support their efforts to sustain peace and stability;

11. *Encourages* the Government of Burundi, the Peacebuilding Commission, and its national and international partners to honour the commitments they have made under the Strategic Framework for Peacebuilding and *requests* the Peacebuilding Commission, with support from BINUB, to continue to assist the Government of Burundi in laying the foundations for sustainable peace and security, reintegration and long-term development in Burundi and in mobilizing the resources needed to achieve these aims, including for the coming elections;

12. *Encourages* the Government of Burundi to pursue its efforts regarding peace consolidation challenges, in particular democratic governance, security reforms, land tenure, justice and the protection of human rights, with a special focus on women's and children's rights;

13. *Encourages* the Government of Burundi with the support of BINUB and other international partners to step up its efforts to pursue the structural reforms aimed at improving political, economic and administrative governance, with continued focus on the fight against corruption, and *encourages* in particular the implementation of the comprehensive Public Administration Reform Programme (PARP);

14. *Underscores* the importance of security sector reform and *urges* all international partners, together with BINUB, to support the Government of Burundi's efforts to professionalize and enhance the capacity of the national security services and the police, in particular in the fields of training on human rights and sexual and gender-based violence;

15. *Encourages* the Government of Burundi, in collaboration with all international partners, including BINUB, UNDP and the World Bank, to complete the disarmament and demobilization process and the strategy for the sustainable

socio-economic reintegration of demobilized soldiers, former combatants, returning refugees, the displaced and other vulnerable groups affected by the conflict, particularly women and children, and *urges* international partners, particularly the Peacebuilding Commission, to stand ready to support this;

16. *Welcomes* the progress by the Tripartite Commission comprising Burundi, UNHCR and Tanzania towards achieving dignified durable solutions for refugees living in Tanzania and encourages a sustained effort with regards to the residual Burundi refugee caseload;

17. *Encourages* the Government of Burundi, with the support of BINUB and other partners, to continue the national consultations on transitional justice with a view to their timely completion and the publication of the final report, and to ensure that the results of these consultations form the basis for the establishment of transitional justice mechanisms;

18. *Calls upon* the Government of Burundi to pursue its efforts to broaden the respect and protection of human rights, including through the establishment of a credible National Independent Human Rights Commission, in conformity with the Paris Principles outlined in General Assembly resolution 48/134 and further *encourages* it to end impunity and to take the necessary measures to ensure its citizens fully enjoy their civil, political, social, economic and cultural rights without fear or intimidation, as enshrined in the Constitution of Burundi and provided for by international human rights instruments, including those ratified by Burundi;

19. *Expresses* in particular its concern at the continuing sexual and gender-based violence, and *urges* the Government to continue to take the necessary steps to prevent further violations and to ensure that those responsible are brought to justice;

20. *Welcomes* the release of all children by armed groups, *emphasizes* the need for their sustainable reintegration and reinsertion, *welcomes* in this regard the program launched by the World Bank in this field and *urges* the Government, with the support of BINUB, UNICEF and other members of the Country Task Force on the Monitoring and Reporting of Grave Child Rights Violations, to fight impunity for violators of children's rights;

21. *Urges* BINUB to strengthen current provisions for cooperation with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), within the limits of their respective capacities and current mandate, in cooperation with the Governments of the Burundi and the Democratic Republic of the Congo as appropriate;

22. *Requests* the Secretary-General to provide to the Council a briefing on the electoral process in May 2010 and a full report on the implementation of the mandate of BINUB in November 2010 and *requests* the Secretary-General to incorporate in this report a detailed review of the extent to which the benchmarks set in the 14 August 2006 Addendum (S/2006/429/Add.1) to his report of 21 June 2006 (S/2006/429) have been met, and, following consultations with the Government of the Burundi, to provide recommendations on what changes need to be made to the direction and composition of the UN presence in Burundi, including recommendations on a revised time frame for the transition to a more development-focused presence;

23. *Decides* to remain actively seized of the matter.

S/RES/ 1903 (2009)

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United Nations S/RES/1903 (2009)

Security Council

Distr.: General
17 December 2009

Resolution 1903 (2009)

Adopted by the Security Council at its 6246th meeting, on 17 December 2009

The Security Council,

Recalling its previous resolutions and statements by its President on the situation in Liberia and West Africa,

Welcoming the sustained progress made by the Government of Liberia since January 2006, in rebuilding Liberia for the benefit of all Liberians, with the support of the international community,

Recalling its decision not to renew the measures in paragraph 10 of resolution 1521 (2003) regarding round log and timber products originating in Liberia, and stressing that Liberia's progress in the timber sector must continue with the effective implementation and enforcement of the National Forestry Reform Law signed into law on 5 October 2006, and other new legislation related to revenue transparency (the Liberia Extractive Industries Transparency Initiative Act) and resolution of land and tenure rights (Community Rights Law with respect to Forest Lands and Lands Commission Act),

Recalling its decision to terminate the measures in paragraph 6 of resolution 1521 (2003) regarding diamonds, and welcoming the Government of Liberia's participation and leadership at the regional and international levels in the Kimberley Process, noting the findings of the Panel of Experts re-established pursuant to resolution 1854 (2008) concerning diamonds, in particular those findings regarding domestic implementation of the Kimberley Process Certification Scheme, noting Liberia's minimum implementation of the necessary internal controls and other requirements of the Kimberley Process Certification Scheme, and stressing the need for the Government of Liberia to redouble its commitment and efforts to ensure the effectiveness of these controls,

Recalling the statement of its President on 25 June 2007 (S/PRST/2007/22), recognizing the role of voluntary initiatives aimed at improving revenue transparency such as the Extractive Industries Transparency Initiative (EITI) and noting General Assembly resolution 62/274 on strengthening transparency in industries, recognizing Liberia's achievement of EITI Compliant status, supporting Liberia's decision to take part in other extractive industry transparency initiatives and encouraging Liberia's continued progress in improving revenue transparency,

Please recycle

Stressing the continuing importance of the United Nations Mission in Liberia (UNMIL) in improving security throughout Liberia and helping the Government establish its authority throughout the country, particularly in the diamond, timber, and other natural resources-producing regions, and border areas,

Taking note of the report of the United Nations Panel of Experts on Liberia dated 11 December 2009 (S/2009/640), including on the issues of diamonds, timber, targeted sanctions, and arms and security,

Having reviewed the measures imposed by paragraphs 2 and 4 of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004) and the progress towards meeting the conditions set out by paragraph 5 of resolution 1521 (2003), and noting the Government of Liberia's cooperation with UNMIL in weapons marking, and concluding that insufficient progress has been made towards that end,

Underlining its determination to support the Government of Liberia in its efforts to meet the conditions of resolution 1521 (2003), and encouraging all stakeholders, including donors, to support the Government of Liberia in its efforts,

Welcoming the announcement from the Department of Peacekeeping Operations of provisional guidelines on cooperation and information sharing between the United Nations peacekeeping missions and the Security Council's Sanctions Committees' expert panels,

Determining that, despite significant progress having been made in Liberia, the situation there continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to renew the measures on travel imposed by paragraph 4 of resolution 1521 (2003) for a period of 12 months from the date of adoption of this resolution;

2. *Recalls* that the measures imposed by paragraph 1 of resolution 1532 (2004) remain in force, *notes with serious concern* the findings of the Panel of Experts on the lack of progress with regards to the implementation of the financial measures imposed by paragraph 1 of resolution 1532 (2004), and *demands* that the Government of Liberia make all necessary efforts to fulfil its obligations;

3. *Decides* that the measures on arms, previously imposed by paragraph 2 of resolution 1521 (2003) and modified by paragraphs 1 and 2 of resolution 1683 (2006) and by paragraph 1 (b) of resolution 1731 (2006), are replaced by paragraph 4 below, and shall not apply to the supply, sale or transfer of arms and related materiel and the provision of any assistance, advice or training, related to military activities, to the Government of Liberia for the period set forth in paragraph 4 below;

4. *Decides* that all States shall take the necessary measures to prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related materiel and the provision of any assistance, advice or training related to military activities, including financing and financial assistance, to all non-governmental entities and individuals operating in the territory of Liberia for a period of 12 months from the date of adoption of this resolution;

5. *Decides* that the measures in paragraph 4 above shall not apply to:

(a) Supplies of arms and related materiel as well as technical training and assistance intended solely for support of or use by the United Nations Mission in Liberia (UNMIL);

(b) Protective clothing, including flak jackets and military helmets, temporarily exported to Liberia by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only;

(c) Other supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training, as notified in advance to the Committee established by paragraph 21 of resolution 1521 (2003) (hereinafter "the Committee") in accordance with paragraph 6 below;

6. *Decides*, for the period time set forth in paragraph 4 above, that all States shall notify in advance to the Committee any shipment of arms and related materiel to the Government of Liberia, or any provision of assistance, advice or training related to military activities for the Government of Liberia, except those referred to in subparagraphs (a) and (b) of paragraph 5 above, and *stresses* the importance that such notifications contain all relevant information, including, where applicable, the type and quantity of weapons and ammunitions delivered, the end-user, the proposed date of delivery and the itinerary of shipments; and *reiterates* that the Government of Liberia shall subsequently mark the weapons and ammunition, maintain a registry of them, and formally notify the Committee that these steps have been taken;

7. *Reconfirms* its intention to review the measures imposed by paragraph 1 of resolution 1532 (2004) at least once a year, and directs the Committee, in coordination with the relevant designating States and with the assistance of the Panel of Experts, to update as necessary the publicly available reasons for listing for entries on the travel ban and assets freeze lists as well as the Committee's guidelines;

8. *Decides* to review any of the above measures at the request of the Government of Liberia, once the Government reports to the Council that the conditions set out in resolution 1521 (2003) for terminating the measures have been met, and provides the Council with information to justify its assessment;

9. *Decides* to extend the mandate of the Panel of Experts appointed pursuant to paragraph 4 of resolution 1854 (2008) for a further period until 20 December 2010 to undertake the following tasks:

(a) To conduct two follow-up assessment missions to Liberia and neighbouring States, in order to investigate and compile a midterm and a final report on the implementation, and any violations, of the measures imposed by paragraphs 4 and 6 above and resolution 1521 (2003), as amended by paragraphs 3, and 4 above, including any information relevant to the designation by the Committee of the individuals described in paragraph 4 (a) of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004), and including the various sources of financing, such as from natural resources, for the illicit trade of arms;

(b) To assess the impact of and effectiveness of the measures imposed by paragraph 1 of resolution 1532 (2004), including particularly with respect to the assets of former President Charles Taylor;

(c) To identify and make recommendations regarding areas where the capacity of Liberia and the States in the region can be strengthened to facilitate the implementation of the measures imposed by paragraph 4 of resolution 1521 (2003) and paragraph 1 of resolution 1532 (2004);

(d) Within the context of Liberia's evolving legal framework, assess the extent to which forestry and other natural resources are contributing to peace, security and development rather than to instability and to what extent relevant legislation (National Forestry Reform Law, Lands Commission Act, Community Rights Law with respect to Forest Land, and Liberia Extract Industries Transparency Initiative Act) is contributing to this transition;

(e) To assess the Government of Liberia's compliance with the Kimberley Process Certification Scheme, and to coordinate with the Kimberley Process in assessing compliance;

(f) To provide a midterm report to the Council through the Committee by 1 June 2010 and a final report to the Council through the Committee by 20 December 2010 on all the issues listed in this paragraph, and to provide informal updates to the Committee as appropriate before those dates, especially on progress in the timber sector since the lifting of paragraph 10 of resolution 1521 (2003) in June 2006, and in the diamond sector since the lifting of paragraph 6 of resolution 1521 (2003) in April 2007;

(g) To cooperate actively with other relevant groups of experts, in particular that on Côte d'Ivoire re-established by paragraph 10 of resolution 1893 (2009), and with the Kimberley Process Certification Scheme;

(h) To assist the Committee in updating the publicly available reasons for listing for entries on the travel ban and assets freeze lists;

(i) To assess the impact of paragraphs 3 and 4 above, specifically the effect on the stability and security of Liberia;

10. *Requests* the Secretary-General to reappoint the Panel of Experts and to make the necessary financial and security arrangements to support the work of the Panel;

11. *Calls upon* all States and the Government of Liberia to cooperate fully with the Panel of Experts in all the aspects of its mandate;

12. *Reiterates* the importance of UNMIL's continuing assistance to the Government of Liberia, the Committee, and the Panel of Experts, within its capabilities and areas of deployment, and without prejudice to its mandate, continue to carry out its tasks set forth in previous resolutions, including resolution 1683 (2006);

13. *Urges* the Government of Liberia to implement the recommendations of the 2009 Kimberley Process review team to strengthen internal controls over diamond mining and exports;

14. *Encourages* the Kimberley Process to continue to cooperate with the Panel of Experts and to report on developments regarding Liberia's implementation of the Kimberley Process Certification Scheme;

15. *Decides* to remain actively seized of the matter.

United Nations S/RES/1904 (2009)

Security Council

Distr.: General
17 December 2009

Resolution 1904 (2009)

Adopted by the Security Council at its 6247th meeting, on 17 December 2009

The Security Council,

Recalling its resolutions 1267 (1999), 1333 (2000), 1363 (2001), 1373 (2001), 1390 (2002), 1452 (2002), 1455 (2003), 1526 (2004), 1566 (2004), 1617 (2005), 1624 (2005), 1699 (2006), 1730 (2006), 1735 (2006), and 1822 (2008), and the relevant statements of its President,

Reaffirming that terrorism in all its forms and manifestations constitutes one of the most serious threats to peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed, and *reiterating* its unequivocal condemnation of Al-Qaida, Usama bin Laden, the Taliban and other individuals, groups, undertakings and entities associated with them, for ongoing and multiple criminal terrorist acts aimed at causing the deaths of innocent civilians and other victims, destruction of property and greatly undermining stability,

Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations and international law, including applicable international human rights, refugee and humanitarian law, threats to international peace and security caused by terrorist acts, stressing in this regard the important role the United Nations plays in leading and coordinating this effort,

Expressing concern at the increase in incidents of kidnapping and hostage-taking by individuals, groups, undertakings and entities associated with Al-Qaida, Usama bin Laden or the Taliban with the aim of raising funds, or gaining political concessions,

Reiterating its support for the fight against illicit production and trafficking of drugs from, and chemical precursors to Afghanistan, in neighbouring countries, countries on trafficking routes, drug destination countries and precursors producing countries,

Stressing that terrorism can only be defeated by a sustained and comprehensive approach involving the active participation and collaboration of all States, and international and regional organizations to impede, impair, isolate and incapacitate the terrorist threat,

Please recycle

Emphasizing that sanctions are an important tool under the Charter of the United Nations in the maintenance and restoration of international peace and security, and stressing in this regard the need for robust implementation of the measures in paragraph 1 of this resolution as a significant tool in combating terrorist activity,

Urging all Member States to participate actively in maintaining and updating the list created pursuant to resolutions 1267 (1999) and 1333 (2000) ("the Consolidated List") by contributing additional information pertinent to current listings, submitting delisting requests when appropriate, and by identifying and nominating for listing additional individuals, groups, undertakings and entities which should be subject to the measures referred to in paragraph 1 of this resolution,

Taking note of challenges, both legal and otherwise, to the measures implemented by Member States under paragraph 1 of this resolution, *welcoming* improvements to the Committee's procedures and the quality of the Consolidated List, and *expressing* its intent to continue efforts to ensure that procedures are fair and clear,

Reiterating that the measures referred to in paragraph 1 of this resolution are preventative in nature and are not reliant upon criminal standards set out under national law,

Recalling the adoption by the General Assembly of the United Nations Global Counter-Terrorism Strategy (A/60/288) of 8 September 2006 and the creation of the Counter-Terrorism Implementation Task Force (CTITF) to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system,

Welcoming the continuing cooperation between the Committee and INTERPOL, the United Nations Office on Drugs and Crime, in particular on technical assistance and capacity building, and all other United Nations bodies, and encouraging further engagement with the Counter-Terrorism Implementation Task Force (CTITF) to ensure overall coordination and coherence in the counterterrorism efforts of the United Nations system,

Noting with concern the continued threat posed to international peace and security ten years after the adoption of resolution 1267 (1999) by Al-Qaida, Usama bin Laden and the Taliban, and other individuals, groups, undertakings and entities associated with them, and *reaffirming* its resolve to address all aspects of that threat,

Acting under Chapter VII of the Charter of the United Nations,

Measures

1. *Decides* that all States shall take the measures as previously imposed by paragraph 4 (b) of resolution 1267 (1999), paragraph 8 (c) of resolution 1333 (2000), and paragraphs 1 and 2 of resolution 1390 (2002), with respect to Al-Qaida, Usama bin Laden and the Taliban, and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000) ("the Consolidated List");

(a) Freeze without delay the funds and other financial assets or economic resources of these individuals, groups, undertakings and entities, including funds derived from property owned or controlled directly or indirectly, by them or by

persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly for such persons' benefit, by their nationals or by persons within their territory;

(b) Prevent the entry into or transit through their territories of these individuals, provided that nothing in this paragraph shall oblige any State to deny entry or require the departure from its territories of its own nationals and this paragraph shall not apply where entry or transit is necessary for the fulfilment of a judicial process or the Committee determines on a case-by-case basis only that entry or transit is justified;

(c) Prevent the direct or indirect supply, sale, or transfer to these individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical advice, assistance, or training related to military activities;

2. *Reaffirms* that acts or activities indicating that an individual, group, undertaking, or entity is associated with Al-Qaida, Usama bin Laden or the Taliban include:

(a) participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of;

(b) supplying, selling or transferring arms and related materiel to;

(c) recruiting for; or

(d) otherwise supporting acts or activities of Al-Qaida, Usama bin Laden or the Taliban, or any cell, affiliate, splinter group or derivative thereof;

3. *Further reaffirms* that any undertaking or entity owned or controlled, directly or indirectly, by, or otherwise supporting, such an individual, group, undertaking or entity associated with Al-Qaida, Usama bin Laden or the Taliban shall be eligible for designation;

4. *Confirms* that the requirements in paragraph 1(a) above apply to financial and economic resources of every kind, including but not limited to those used for the provision of Internet hosting or related services, used for the support of Al-Qaida, Usama bin Laden, or the Taliban and other individuals, groups, undertakings, or entities associated with them;

5. *Confirms* further that the requirements in paragraph 1(a) above shall also apply to the payment of ransoms to individuals, groups, undertakings or entities on the Consolidated List;

6. *Decides* that Member States may permit the addition to accounts frozen pursuant to the provisions of paragraph 1 above of any payment in favour of listed individuals, groups, undertakings or entities, provided that any such payments continue to be subject to the provisions in paragraph 1 above and are frozen;

7. *Encourages* Member States to make use of the provisions regarding available exemptions to the measures in paragraph 1(a) above, set out in paragraphs 1

and 2 of resolution 1452 (2002), as amended by resolution 1735 (2006), and *directs* the Committee to review the procedures for exemptions as set out in the Committee's guidelines to facilitate their use by Member States and to continue to ensure that humanitarian exemptions are granted expeditiously and transparently;

Listing

8. *Encourages* all Member States to submit to the Committee for inclusion on the Consolidated List names of individuals, groups, undertakings and entities participating, by any means, in the financing or support of acts or activities of Al-Qaida, Usama bin Laden or the Taliban, and other individuals, groups, undertakings and entities associated with them, as described in paragraph 2 of resolution 1617 (2005) and reaffirmed in paragraph 2 above, and further *encourages* Member States to appoint a national contact point concerning entries on the Consolidated List;

9. *Notes* that such means of financing or support include but are not limited to the use of proceeds derived from illicit cultivation, production and trafficking of narcotic drugs originating particularly in Afghanistan, and their precursors;

10. *Reiterates* its call for continued cooperation between the Committee and the Government of Afghanistan and the United Nations Assistance Mission in Afghanistan (UNAMA), including by identifying individuals and entities participating in the financing or support of acts or activities of Al-Qaida and the Taliban as described in paragraph 30 of resolution 1806 (2008);

11. *Reaffirms* that, when proposing names to the Committee for inclusion on the Consolidated List, Member States shall act in accordance with paragraph 5 of resolution 1735 (2006) and paragraph 12 of resolution 1822 (2008) and provide a detailed statement of case, and *decides further* that the statement of case shall be releasable, upon request, except for the parts a Member State identifies as being confidential to the Committee, and may be used to develop the narrative summary of reasons for listing described in paragraph 14 below;

12. *Encourages* Member States proposing a new designation, as well as Member States that have proposed names for inclusion on the Consolidated List before the adoption of this resolution, to specify whether the Committee may make known, upon request from a Member State, the Member State's status as a designating State;

13. *Calls upon* Member States, when proposing names to the Committee for inclusion on the Consolidated List to use the new standard form for listing, once it is adopted and placed on the Committee's website, and *requests* that they provide the Committee with as much relevant information as possible on the proposed name, in particular sufficient identifying information to allow for the accurate and positive identification of individuals, groups, undertakings and entities, and *directs* the Committee to update, as necessary, the standard form for listing in accordance with the provisions of this resolution;

14. *Directs* the Committee, with the assistance of the Monitoring Team and in coordination with the relevant designating States, to make accessible on the Committee's website, at the same time a name is added to the Consolidated List, a narrative summary of reasons for listing for the corresponding entry or entries, and *further directs* the Committee, with the assistance of the Monitoring Team and in

coordination with the relevant designating States, to continue its efforts to make accessible on the Committee's website narrative summaries of reasons for listing for entries that were added to the Consolidated List before the date of adoption of resolution 1822 (2008);

15. *Encourages* Member States and relevant international organizations to inform the Committee of any relevant court decisions and proceedings so that the Committee can consider them when it reviews a corresponding listing or updates a narrative summary of reasons for listing;

16. *Calls upon* all members of the Committee and the Monitoring Team to share with the Committee any information they may have available regarding a listing request from a Member State so that this information may help inform the Committee's decision on designation and provide additional material for the narrative summary of reasons for listing described in paragraph 14;

17. *Directs* the Committee to amend its Guidelines to extend the period of time for members of the Committee to verify that names proposed for listing merit inclusion in the Consolidated List and include adequate identifying information to ensure full implementation of the measures, with exceptions, at the Committee chair's discretion, for emergency and time-sensitive listings, and *notes* that listing requests may be placed on the Committee's agenda upon request of a Committee member;

18. *Decides* that the Secretariat shall, after publication but within three working days after a name is added to the Consolidated List, notify the Permanent Mission of the country or countries where the individual or entity is believed to be located and, in the case of individuals, the country of which the person is a national (to the extent this information is known), in accordance with paragraph 10 of resolution 1735 (2006), and *requests* the Secretariat to publish on the Committee's website all relevant publicly releasable information, including the narrative summary of reasons for listing, immediately after a name is added to the Consolidated List;

19. *Reaffirms* further the provisions in paragraph 17 of resolution 1822 (2008) regarding the requirement that Member States take all possible measures, in accordance with their domestic laws and practices, to notify or inform in a timely manner the listed individual or entity of the designation and to include with this notification the narrative summary of reasons for listing, a description of the effects of designation, as provided in the relevant resolutions, the Committee's procedures for considering delisting requests, including the possibility of submitting such a request to the Ombudsperson in accordance with paragraphs 20 and 21 and annex II of this resolution, and the provisions of resolution 1452 (2002) regarding available exemptions;

Delisting/Ombudsperson

20. *Decides* that, when considering delisting requests, the Committee shall be assisted by an Office of the Ombudsperson, to be established for an initial period of 18 months from the date of adoption of this resolution, and *requests* the Secretary-General, in close consultation with the Committee, to appoint an eminent individual of high moral character, impartiality and integrity with high qualifications and experience in relevant fields, such as legal, human rights,

counter-terrorism and sanctions, to be Ombudsperson, with the mandate outlined in annex II of this resolution, and further *decides* that the Ombudsperson shall perform these tasks in an independent and impartial manner and shall neither seek nor receive instructions from any government;

21. *Decides* that, after the appointment of the Ombudsperson, the Office of the Ombudsperson shall receive requests from individuals and entities seeking to be removed from the Consolidated List, in accordance with the procedures outlined in annex II of this resolution, and that, after the appointment of the Ombudsperson, the Focal Point mechanism established in resolution 1730 (2006) shall no longer receive such requests, and *notes* that the Focal Point shall continue to receive requests from individuals and entities seeking to be removed from other sanctions lists;

22. *Directs* the Committee to continue to work, in accordance with its guidelines, to consider delisting requests of Member States for the removal from the Consolidated List of members and/or associates of Al-Qaida, Usama bin Laden, or the Taliban who no longer meet the criteria established in the relevant resolutions, which shall be placed on the Committee's agenda upon request of a member of the Committee;

23. *Encourages* States to submit delisting requests for individuals that are officially confirmed to be dead, particularly where no assets are identified, and for entities that have ceased to exist, while at the same time taking all reasonable measures to ensure that the assets that had belonged to these individuals or entities have not been or will not be transferred or distributed to other entities or individuals on the Consolidated List;

24. *Encourages* Member States, when unfreezing the assets of a deceased individual or defunct entity as a result of a delisting, to recall the obligations set forth in resolution 1373 (2001) and, particularly, to prevent unfrozen assets from being used for terrorist purposes;

25. *Encourages* the Committee to give due consideration to the opinions of designating State(s), and State(s) of residence, nationality or incorporation when considering delisting requests, and *calls on* Committee members to make every effort to provide their reasons for objecting to such delisting requests;

26. *Requests* the Monitoring Team, upon conclusion of the review pursuant to paragraph 25 of resolution 1822 (2008), to circulate to the Committee every six months a list of individuals on the Consolidated List who are reportedly deceased, along with an assessment of relevant information such as the certification of death, and to the extent possible, the status and location of frozen assets and the names of any individuals or entities who would be in a position to receive any unfrozen assets, *directs* the Committee to review these listings to decide whether they remain appropriate, and *encourages* the Committee to remove listings of deceased individuals where credible information regarding death is available;

27. *Decides* that the Secretariat shall, within three working days after a name is removed from the Consolidated List, notify the Permanent Mission of the country or countries where the individual or entity is believed to be located and, in the case of individuals, the country of which the person is a national (to the extent this information is known), and *demands* that States receiving such notification take measures, in accordance with their domestic laws and practices, to notify or inform the concerned individual or entity of the delisting in a timely manner;

Review and maintenance of the Consolidated List

28. *Encourages* all Member States, in particular designating States and States of residence or nationality, to submit to the Committee additional identifying and other information, along with supporting documentation, on listed individuals, groups, undertakings and entities, including updates on the operating status of listed entities, groups and undertakings, the movement, incarceration or death of listed individuals and other significant events, as such information becomes available;

29. *Welcomes* the significant progress made by the Committee in its review of all names on the Consolidated List pursuant to paragraph 25 of resolution 1822 (2008), *directs* the Committee to complete this review by 30 June 2010, and requests that all States concerned respond to requests from the Committee for information relevant to this review no later than 1 March 2010;

30. *Requests* the Monitoring Team to submit a report to the Committee by 30 July 2010 on the outcome of the review described in paragraph 25 of resolution 1822 (2008) and the efforts made by the Committee, Member States and the Monitoring Team to conduct the review;

31. *Requests* the Monitoring Team, upon conclusion of the review described in paragraph 25 of resolution 1822 (2008), to circulate to the Committee annually a list of individuals and entities on the Consolidated List whose entries lack identifiers necessary to ensure effective implementation of the measures imposed upon them, and *directs* the Committee to review these listings to decide whether they remain appropriate;

32. *Further directs* the Committee, upon completion of the review described in paragraph 25 of resolution 1822 (2008), to conduct an annual review of all names on the Consolidated List that have not been reviewed in three or more years, in which the relevant names are circulated to the designating States and States of residence and/or citizenship, where known, pursuant to the procedures set forth in the Committee guidelines, in order to ensure the Consolidated List is as updated and accurate as possible and to confirm that listing remains appropriate, and *notes* that the Committee's consideration of a delisting request after the date of adoption of this resolution, pursuant to the procedures set out in annex II of this resolution, should be considered equivalent to a review of that listing;

Measures implementation

33. *Reiterates* the importance of all States identifying, and if necessary introducing, adequate procedures to implement fully all aspects of the measures described in paragraph 1 above;

34. *Encourages* the Committee to continue to ensure that fair and clear procedures exist for placing individuals and entities on the Consolidated List and for removing them as well as for granting humanitarian exemptions, and *directs* the Committee to keep its guidelines under active review in support of these objectives;

35. *Directs* the Committee, as a matter of priority, to review its guidelines with respect to the provisions of this resolution, in particular paragraphs 7, 13, 14, 17, 18, 22, 23, 34, and 41;

36. *Encourages* Member States and relevant international organizations to send representatives to meet the Committee for more in-depth discussion of relevant issues and welcomes voluntary briefings from interested Member States on their efforts to implement the measures referred to in paragraph 1 above, including particular challenges that hinder full implementation of the measures;

37. *Requests* the Committee to report to the Council on its findings regarding Member States' implementation efforts, and identify and recommend steps necessary to improve implementation;

38. *Directs* the Committee to identify possible cases of non-compliance with the measures pursuant to paragraph 1 above and to determine the appropriate course of action on each case, and *requests* the Chairman, in periodic reports to the Council pursuant to paragraph 46 below, to provide progress reports on the Committee's work on this issue;

39. *Urges* all Member States, in their implementation of the measures set out in paragraph 1 above, to ensure that fraudulent, counterfeit, stolen and lost passports and other travel documents are invalidated and removed from circulation, in accordance with domestic laws and practices, as soon as possible, and to share information on those documents with other Member States through the INTERPOL database;

40. *Encourages* Member States to share, in accordance with their domestic laws and practices, with the private sector information in their national databases related to fraudulent, counterfeit, stolen and lost identity or travel documents pertaining to their own jurisdictions, and, if a listed party is found to be using a false identity including to secure credit or fraudulent travel documents, to provide the Committee with information in this regard;

41. *Directs* the Committee to amend its guidelines to ensure that no matter is left pending before the Committee for a period longer than six months, unless the Committee determines on a case-by-case basis that extraordinary circumstances require additional time for consideration, and *further directs* any Committee member that has requested more time to consider a proposal to provide updates after three months of their progress in resolving all pending matters;

42. *Directs* the Committee to conduct a comprehensive review of all issues pending before the Committee as of the date of adoption of this resolution, and further *urges* the Committee and its members to resolve all such pending issues, to the extent possible, by 31 December 2010;

Coordination and outreach

43. *Reiterates* the need to enhance ongoing cooperation among the Committee, the Counter Terrorism Committee (CTC) and the Committee established pursuant to resolution 1540 (2004), as well as their respective groups of experts, including through, as appropriate, enhanced information-sharing, coordination on visits to countries within their respective mandates, on facilitating and monitoring technical assistance, on relations with international and regional organizations and agencies and on other issues of relevance to all three committees, *expresses its intention* to provide guidance to the committees on areas of common interest in order better to coordinate their efforts and facilitate such cooperation, and *requests*

the Secretary-General to make the necessary arrangements for the groups to be co-located as soon as possible;

44. *Encourages* the Monitoring Team and the United Nations Office on Drugs and Crime, to continue their joint activities, in cooperation with CTED and 1540 Committee experts to assist Member States in their efforts to comply with their obligations under the relevant resolutions, including through organizing regional and subregional workshops;

45. *Requests* the Committee to consider, where and when appropriate, visits to selected countries by the Chairman and/or Committee members to enhance the full and effective implementation of the measures referred to in paragraph 1 above, with a view to encouraging States to comply fully with this resolution and resolutions 1267 (1999), 1333 (2000), 1390 (2002), 1455 (2003), 1526 (2004), 1617 (2005), 1735 (2006) and 1822 (2008);

46. *Requests* the Committee to report orally, through its Chairman, at least every 180 days to the Council on the state of the overall work of the Committee and the Monitoring Team, and, as appropriate, in conjunction with the reports by the Chairmen of CTC and the Committee established pursuant to resolution 1540 (2004), including briefings for all interested Member States;

Monitoring Team

47. *Decides*, in order to assist the Committee in fulfilling its mandate, as well as to support the Ombudsperson, to extend the mandate of the current New York-based Monitoring Team, established pursuant to paragraph 7 of resolution 1526 (2004), for a further period of 18 months, under the direction of the Committee with the responsibilities outlined in annex 1, and requests the Secretary-General to make the necessary arrangements to this effect;

Reviews

48. *Decides* to review the measures described in paragraph 1 above with a view to their possible further strengthening in 18 months, or sooner if necessary;

49. *Decides* to remain actively seized of the matter.

Annex I

In accordance with paragraph 47 of this resolution, the Monitoring Team shall operate under the direction of the Committee established pursuant to resolution 1267 (1999) and shall have the following responsibilities:

(a) To submit, in writing, two comprehensive, independent reports to the Committee, one by 30 July 2010, in accordance with paragraph 30 above, and the second by 22 February 2011, on implementation by Member States of the measures referred to in paragraph 1 of this resolution, including specific recommendations for improved implementation of the measures and possible new measures;

(b) To assist the Ombudsperson in carrying out his or her mandate as specified in annex II of this resolution;

(c) To assist the Committee in regularly reviewing names on the Consolidated List, including by undertaking travel and contact with Member States, with a view to developing the Committee's record of the facts and circumstances relating to a listing;

(d) To analyse reports submitted pursuant to paragraph 6 of resolution 1455 (2003), the checklists submitted pursuant to paragraph 10 of resolution 1617 (2005), and other information submitted by Member States to the Committee, as instructed by the Committee;

(e) To assist the Committee in following up on requests to Member States for information, including with respect to implementation of the measures referred to in paragraph 1 of this resolution;

(f) To submit a comprehensive program of work to the Committee for its review and approval, as necessary, in which the Monitoring Team should detail the activities envisaged in order to fulfil its responsibilities, including proposed travel, based on close coordination with CTED and the 1540 Committee's group of experts to avoid duplication and reinforce synergies;

(g) To work closely and share information with CTED and the 1540 Committee's group of experts to identify areas of convergence and overlap and to help facilitate concrete coordination, including in the area of reporting, among the three Committees;

(h) To participate actively in and support all relevant activities under the United Nations Global Counter-Terrorism Strategy including within the Counter Terrorism Implementation Task Force, established to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system, in particular through its relevant working groups;

(i) To assist the Committee with its analysis of non-compliance with the measures referred to in paragraph 1 of this resolution by collating information collected from Member States and submitting case studies, both on its own initiative and upon the Committee's request, to the Committee for its review;

(j) To present to the Committee recommendations, which could be used by member States to assist them with the implementation of the measures referred to in paragraph 1 of this resolution and in preparing proposed additions to the Consolidated List;

(k) To assist the Committee in its consideration of proposals for listing, including by compiling and circulating to the Committee information relevant to the proposed listing, and preparing a draft narrative summary referred to in paragraph 14;

(l) To bring to the Committee's attention new or noteworthy circumstances that may warrant a delisting, such as publicly-reported information on a deceased individual;

(m) To consult with Member States in advance of travel to selected Member States, based on its program of work as approved by the Committee;

(n) To coordinate and cooperate with the national counterterrorism focal point or similar coordinating body in the country of visit, where appropriate;

(o) To encourage Member States to submit names and additional identifying information for inclusion on the Consolidated List, as instructed by the Committee;

(p) To present to the Committee additional identifying and other information to assist the Committee in its efforts to keep the Consolidated List as updated and accurate as possible;

(q) To study and report to the Committee on the changing nature of the threat of Al-Qaida and the Taliban and the best measures to confront it, including by developing a dialogue with relevant scholars and academic bodies, in consultation with the Committee;

(r) To collate, assess, monitor and report on and make recommendations regarding implementation of the measures, including implementation of the measure in paragraph 1(a) of this resolution as it pertains to preventing the criminal misuse of the Internet by Al-Qaida, Usama bin Laden and the Taliban, and other individuals, groups, undertakings and entities associated with them; to pursue case studies, as appropriate; and to explore in depth any other relevant issues as directed by the Committee;

(s) To consult with Member States and other relevant organizations, including regular dialogue with representatives in New York and in capitals, taking into account their comments, especially regarding any issues that might be contained in the Monitoring Team's reports referred to in paragraph (a) of this annex;

(t) To consult with Member States' intelligence and security services, including through regional forums, in order to facilitate the sharing of information and to strengthen enforcement of the measures;

(u) To consult with relevant representatives of the private sector, including financial institutions, to learn about the practical implementation of the assets freeze and to develop recommendations for the strengthening of that measure;

(v) To work with relevant international and regional organizations in order to promote awareness of, and compliance with, the measures;

(w) To work with INTERPOL and Member States to obtain photographs of listed individuals for possible inclusion in INTERPOL Special Notices;

(x) To assist other subsidiary bodies of the Security Council, and their expert panels, upon request, with enhancing their cooperation with INTERPOL, referred to in resolution 1699 (2006);

(y) To report to the Committee, on a regular basis or when the Committee so requests, through oral and/or written briefings on the work of the Monitoring Team, including its visits to Member States and its activities;

(z) Any other responsibility identified by the Committee.

Annex II

In accordance with paragraph 20 of this resolution, the Office of the Ombudsperson shall be authorized to carry out the following tasks upon receipt of a delisting request submitted by, or on behalf of, an individual, group, undertaking or entity on the Consolidated List ("the petitioner").

Information Gathering (two months)

1. Upon receipt of a delisting request, the Ombudsperson shall:

(a) Acknowledge to the petitioner the receipt of the delisting request;

(b) Inform the petitioner of the general procedure for processing delisting requests;

(c) Answer specific questions from the petitioner about Committee procedures; and,

(d) Inform the petitioner in case the petition fails to properly address the original designation criteria, as set forth in paragraph 2 of this resolution, and return it to the petitioner for his or her consideration;

(e) Verify if the request is a new request or a repeated request and, if it is a repeated request to the Ombudsperson and it does not contain any additional information, return it to the petitioner for his or her consideration.

2. For delisting petitions not returned to the petitioner, the Ombudsperson shall immediately forward the delisting request to the members of the Committee, designating State(s), State(s) of residence and nationality or incorporation, relevant United Nations bodies, and any other States deemed relevant by the Ombudsperson. The Ombudsperson shall ask these States or relevant United Nations bodies to provide, within two months, any appropriate additional information relevant to the delisting request. The Ombudsperson may engage in dialogue with these States to determine:

(a) These States' opinions on whether the delisting request should be granted; and,

(b) Information, questions or requests for clarifications that these States would like to be communicated to the petitioner regarding the delisting request, including any information or steps that might be taken by a petitioner to clarify the delisting request.

3. The Ombudsperson shall also immediately forward the delisting request to the Monitoring Team, which shall provide to the Ombudsperson, within two months:

(a) All information available to the Monitoring Team that is relevant to the delisting request, including court decisions and proceedings, news reports, and information that States or relevant international organizations have previously shared with the Committee or the Monitoring Team;

(b) Fact-based assessments of the information provided by the petitioner that is relevant to the delisting request; and,

(c) Questions or requests for clarifications that the Monitoring Team would like asked of the petitioner regarding the delisting request.

4. At the end of this two-month period of information gathering, the Ombudsperson shall present a written update to the Committee on progress to date, including details regarding which States have supplied information. The Ombudsperson may extend this period once for up to two months if he or she assesses that more time is required for information gathering, giving due consideration to requests by Member States for additional time to provide information.

Dialogue (two months)

5. Upon completion of the information gathering period, the Ombudsperson shall facilitate a two-month period of engagement, which may include dialogue with the petitioner. Giving due consideration to requests for additional time, the Ombudsperson may extend this period once for up to two months if he or she assesses that more time is required for engagement and the drafting of the Comprehensive Report described in paragraph 7 below.

6. During this period of engagement, the Ombudsperson:

(a) May ask the petitioner questions or request additional information or clarifications that may help the Committee's consideration of the request, including any questions or information requests received from relevant States, the Committee and the Monitoring Team;

(b) Shall forward replies from the petitioner back to relevant States, the Committee and the Monitoring Team and follow up with the petitioner in connection with incomplete responses by the petitioner; and,

(c) Shall coordinate with States, the Committee and the Monitoring Team regarding any further inquiries of, or response to, the petitioner;

7. Upon completion of the period of engagement described above, the Ombudsperson, with the help of the Monitoring Team, shall draft and circulate to the Committee a Comprehensive Report that will exclusively:

(a) Summarize and, as appropriate, specify the sources of, all information available to the Ombudsperson that is relevant to the delisting request. The report shall respect confidential elements of Member States' communications with the Ombudsperson;

(b) Describe the Ombudsperson's activities with respect to this delisting request, including dialogue with the petitioner; and,

(c) Based on an analysis of all the information available to the Ombudsperson and the Ombudsperson's observations, lay out for the Committee the principal arguments concerning the delisting request.

Committee Discussion and Decision (two months)

8. After the Committee has had thirty days to review the Comprehensive Report, the chair of the Committee shall place the delisting request on the Committee's agenda for consideration.

9. When the Committee considers the delisting request, the Ombudsperson, aided by the Monitoring Team, as appropriate, shall present the Comprehensive Report in person and answer Committee members' questions regarding the request.

10. After the Committee consideration, the Committee shall decide whether to approve the delisting request through its normal decision-making procedures.

11. If the Committee decides to grant the delisting request, then the Committee shall inform the Ombudsperson of this decision. The Ombudsperson shall then inform the petitioner of this decision and the listing shall be removed from the Consolidated List.

12. If the Committee decides to reject the delisting request, then the Committee shall convey to the Ombudsperson its decision including, as appropriate, explanatory comments, any further relevant information about the Committee's decision, and an updated narrative summary of reasons for listing.

13. After the Committee has informed the Ombudsperson that the Committee has rejected a delisting request, then the Ombudsperson shall send to the petitioner, with an advance copy sent to the Committee, within fifteen days a letter that:

(a) Communicates the Committee's decision for continued listing;

(b) Describes, to the extent possible and drawing upon the Ombudsperson's Comprehensive Report, the process and publicly releasable factual information gathered by the Ombudsperson; and,

(c) Forwards from the Committee all information about the decision provided to the Ombudsperson pursuant to paragraph 12 above.

14. In all communications with the petitioner, the Ombudsperson shall respect the confidentiality of Committee deliberations and confidential communications between the Ombudsperson and Member States.

Other Office of the Ombudsperson Tasks

15. In addition to the tasks specified above, the Ombudsperson shall:

(a) Distribute publicly releasable information about Committee procedures, including Committee Guidelines, fact sheets and other Committee-prepared documents, to anyone who requests such information;

(b) Where address is known, notify individuals or entities about the status of their listing, after the Secretariat has officially notified the Permanent Mission of the State or States, pursuant to paragraph 18 of this resolution; and,

(c) Submit biannual reports summarizing the activities of the Ombudsperson to the Security Council.

United Nations S/RES/1905 (2009)

Security Council

Distr.: General
21 December 2009

Resolution 1905 (2009)

Adopted by the Security Council at its 6249th meeting, on 21 December 2009

The Security Council,

Noting the letter from the Prime Minister of Iraq to the President of the Security Council, dated 13 December 2009, which is annexed to this resolution,

Recognizing the positive developments in Iraq and that the situation now existing in Iraq is significantly different from that which existed at the time of the adoption of resolution 661 (1990), recognizing that Iraqi institutions are strengthening, and *further recognizing* the importance of Iraq achieving international standing equal to that which it held prior to the adoption of resolution 661 (1990),

Recognizing that the letter from the Prime Minister of Iraq also reaffirms the commitment by the Government to resolve the debts and settle the claims inherited from the previous regime, and to continue to address those debts and claims until they are resolved or settled, and requests the continued assistance of the international community, as the Government of Iraq works to complete this process,

Recognizing the significant role of the Development Fund for Iraq and the International Advisory and Monitoring Board, and the provisions of paragraph 22 of resolution 1483 (2003) in helping the Government of Iraq to ensure that Iraq's resources are being used transparently and accountably for the benefit of the Iraqi people, and *recognizing also* the need for Iraq during 2010 to transition to successor arrangements for the Development Fund for Iraq and the International Advisory and Monitoring Board, to include the Committee of Financial Experts (COFE),

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to provide an extension, until 31 December 2010, on the arrangements established in paragraph 20 of resolution 1483 (2003) for the depositing into the Development Fund for Iraq of proceeds from export sales of petroleum, petroleum products and natural gas and the arrangements referred to in paragraph 12 of resolution 1483 (2003) and paragraph 24 of resolution 1546 (2004) for the monitoring of the Development Fund for Iraq by the International Advisory and Monitoring Board and further decides that, subject to the exception provided for in paragraph 27 of resolution 1546 (2004), the provisions of paragraph 22 of resolution 1483 (2003) shall continue to apply until that date, including with respect

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to funds and financial assets and economic resources described in paragraph 23 of that resolution;

2. *Decides further* that the provisions in the above paragraph for the deposit of proceeds into the Development Fund for Iraq and for the role of the International Advisory and Monitoring Board and the provisions of paragraph 22 of resolution 1483 (2003) shall be reviewed at the request of the Government of Iraq or no later than 15 June 2010;

3. *Requests* the Secretary-General to provide written reports to the Council on a quarterly basis, with the first report no later than 1 April 2010, to include details on progress made in strengthening financial and administrative oversight of the current Development Fund for Iraq, as well as the legal issues and options to be considered to implement successor arrangements and an assessment of the Government of Iraq's progress in preparing for the successor arrangements for the Development Fund;

4. *Calls upon* the Government of Iraq to put in place the necessary action plan and timeline by 1 April 2010 and to ensure the timely and effective transition to a post-Development Fund mechanism by 31 December 2010, which takes into account IMF Stand-By Arrangement requirements and includes external auditing arrangements and enables Iraq to meet its obligations as established in the provisions of paragraph 21 of resolution 1483 (2003);

5. *Requests* the Government of Iraq through the head of the Committee of Financial Experts (COFE) to report to the Security Council on a quarterly basis, with the first report no later than 1 April 2010 to provide an action plan and timeline for the transition from the Development Fund and details on the progress made in strengthening financial and administrative oversight of the current Development Fund for Iraq, with subsequent quarterly reports to provide an assessment of progress against the action plan and oversight improvements;

6. *Decides* to remain actively seized of the matter.

Annex

Letter dated 13 December 2009 from the Prime Minister of Iraq addressed to the President of the Security Council

I refer to my letter dated 7 December 2008 addressed to the President of the Security Council, in which I made it clear that Iraq is committed to finding a satisfactory solution to the problem of the debts and claims that it inherited from the previous regime. In that letter, I expressed the wish of the Government of Iraq that the temporary assistance provided by the international community should continue, in order to permit that goal to be achieved. I also made it clear that the Government of Iraq recognizes that the Development Fund for Iraq plays an important role in ensuring that oil and gas revenues are employed in the best interests of the Iraqi people, and that the International Advisory and Monitoring Board helps to ensure that those resources are managed in a transparent and responsible fashion. In 2010, the Government of Iraq will make appropriate arrangements for the Development Fund for Iraq and the International Advisory and Monitoring Board, with a view to ensuring that oil revenue continues to be used fairly and in the interests of the Iraqi people. Such arrangements will be in keeping with the Constitution and with international best practices with respect to transparency, accountability and integrity. Here, I should like to affirm that in 2009, the Government of Iraq made great progress in settling the above-mentioned debts and claims, including by concluding agreements on the reduction of sovereign debt and other bilateral agreements concerning certain claims.

During the remainder of 2009 and in 2010, we will take action to recover the international financial standing of Iraq while at the same time managing oil and gas revenues in order to benefit the people of Iraq.

Those goals cannot be achieved without the continued assistance of the international community by means of the adoption of a Security Council resolution whereby the conditions and arrangements provided for in resolution 1859 (2008) are extended. That resolution concerned the extension of the mandates of the Development Fund for Iraq and the International Advisory and Monitoring Board for a period of 12 months. A review of the new extension should be conducted before 15 June 2010 at the request of the Government of Iraq.

I should be grateful if you would circulate this letter to the members of the Security Council as soon as possible and include it as an annex to the resolution currently being drafted on the extension of the mandates referred to above.

Accept, Sir, the assurances of my highest consideration.

(*Signed*) Nuri Kamel **al-Maliki**
Prime Minister of the Republic of Iraq

13 December 2009

United Nations S/RES/1906 (2009)

Security Council

Distr.: General
23 December 2009

Resolution 1906 (2009)

Adopted by the Security Council at its 6253rd meeting, on 23 December 2009

The Security Council,

Recalling its previous resolutions, in particular resolution 1896 (2009), 1856 (2008), 1843 (2008), and the statements of its President concerning the Democratic Republic of the Congo,

Reaffirming its commitment to the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo,

Stressing the primary responsibility of the Government of the Democratic Republic of the Congo for ensuring security in its territory and protecting its civilians with respect for the rule of law, human rights and international humanitarian law, and *stressing* the importance of urgently undertaking comprehensive and lasting security sector reform and of permanently disarming, demobilizing, resettling or repatriating, as appropriate, and reintegrating Congolese and foreign armed groups for the long-term stabilization of the Democratic Republic of the Congo, and of the contribution made by international partners in this field,

Calling on all parties to armed conflict in the Great Lakes region to comply with the obligations applicable to them under international humanitarian law to take all required steps to protect civilians and to facilitate the rapid and unimpeded passage of relief consignments, equipment and personnel,

Encouraging the countries of the Great Lakes region to maintain a high level of commitment to jointly promote peace and stability in the region and *welcoming* the recent improvements in the relations between the Governments of the Democratic Republic of the Congo and Rwanda, Uganda and Burundi,

Stressing that the Goma and Nairobi processes as well as the 23 March 2009 Agreements are the appropriate framework for stabilising the situation in the eastern part of the Democratic Republic of the Congo, and *urging* all parties to fully abide by and implement these agreements,

Deeply concerned that some militias and armed groups in the eastern part of the Democratic Republic of the Congo have not yet laid down their arms and continue to prey on the population,

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Expressing its extreme concern at the deteriorating humanitarian and human rights situation and the continued impunity of those responsible for human rights abuses and other atrocities, *condemning* in particular the targeted attacks against the civilian population, widespread sexual violence, recruitment and use of child soldiers and extrajudicial executions, *stressing* the urgent need for the Government of the Democratic Republic of the Congo, in cooperation with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and other relevant actors, to end violations of human rights and international humanitarian law, and to bring the perpetrators to justice, and *calling on* Member States to assist in this regard and to continue to provide medical, humanitarian and other assistance to victims,

Calling upon all parties concerned to create the conditions conducive to a voluntary, safe, dignified and sustainable return of refugees and internally displaced persons,

Welcoming the commitments made by the Government of the Democratic Republic of the Congo to hold accountable those responsible for atrocities in the country, *noting* the cooperation of the Government of the Democratic Republic of the Congo with the International Criminal Court, and *stressing* the importance of actively seeking to hold accountable those responsible for war crimes and crimes against humanity in the country,

Recalling its resolutions 1325 (2000), 1820 (2008), 1888 (2009) and 1889 (2009) on women and peace and security, its resolution 1502 (2003) on the protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones, its resolutions 1674 (2006) and 1894 (2009) on the protection of civilians in armed conflicts, and its resolutions 1612 (2005) and 1882 (2009) on children and armed conflict, and *recalling* the conclusions of the Security Council Working Group on Children and Armed Conflict pertaining to parties in the armed conflict of the Democratic Republic of the Congo (S/AC.51/2009/3),

Emphasizing that the linkage between the illicit exploitation and trade of natural resources and the proliferation and trafficking of arms is one of the major factors fuelling and exacerbating conflicts in the Great Lakes region, particularly in the Democratic Republic of the Congo, *urging* all States, particularly those in the region, to implement fully the measures set out by its resolution 1896 (2009), and *reiterating* its determination to continue to closely monitor the implementation and compliance with the measures set out by the resolution 1896 (2009),

Underscoring the long-term, sustainable efforts needed from the Government of the Democratic Republic of the Congo to provide a calendar for local, general and presidential elections, with full respect for the provisions of the Constitution, to consolidate democracy and promote the rule of law, democratic governance, recovery and development, with the support of its international partners,

Expressing its full support for MONUC, *condemning* all attacks against United Nations peacekeepers and humanitarian personnel, regardless of their perpetrators, and *emphasizing* that those responsible for such attacks must be brought to justice,

Taking note of the 30th regular report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo, dated 4 December 2009 (S/2009/623), and of its recommendations,

Determining that the situation in the Democratic Republic of the Congo continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the deployment of MONUC until 31 May 2010, with the intention to extend it further at that date for twelve months, *authorizes* the continuation until that date of up to 19,815 military personnel, 760 military observers, 391 police personnel and 1,050 personnel of formed police units, and *stresses* its intention to consider in the subsequent resolution assessing and adjusting the mandate and to remain strongly committed to contributing to the long-term stability of the Democratic Republic of the Congo;

2. *Requests* the Secretary-General to conduct a strategic review of the situation in the Democratic Republic of the Congo and MONUC's progress toward achieving its mandate, taking into account the Integrated Strategic Framework for the United Nations presence in the country, to further develop the existing benchmarks for this purpose, and to determine, in close cooperation with the Government of the Democratic Republic of the Congo and MONUC troop- and police-contributing countries, the modalities of a reconfiguration of the mandate of MONUC, in particular the critical tasks that need to be accomplished before MONUC can envisage its drawdown without triggering a relapse into instability, and to report to the Security Council with recommendations by 1 April 2010;

3. *Urges* the Government of the Democratic Republic of the Congo to establish sustainable peace in the eastern part of the country, to effectively protect the civilian population, to develop sustainable security sector institutions which fully respect the rule of law, and to ensure respect for human rights and the fight against impunity by strengthening the capacity of the judicial and correctional systems;

4. *Recognizes* the interrelated nature of the effective protection of civilians, reduction and removal of the threat of armed groups, and comprehensive and sustainable security sector reform, and *underlines* that efforts made in each of these key areas contributes significantly and with complementarity both to the aim of improving the humanitarian situation and to the strategic objective of peace and stability in the Democratic Republic of the Congo;

5. *Decides* that, from the adoption of this resolution, MONUC, working in close cooperation with the Government of the Democratic Republic of the Congo, shall have the following mandate, in order of priority:

(a) Ensure the effective protection of civilians, humanitarian personnel and United Nations personnel and facilities, in accordance with paragraph 3 (a) to (e) and 4 (c) of resolution 1856 (2008) and paragraphs 7 to 18 below;

(b) Carry out enhanced activities of disarmament, demobilization and reintegration (DDR) of Congolese armed groups and of disarmament, demobilization, repatriation, resettlement and reintegration (DDRRR) of foreign armed groups, including as set out in paragraphs 19 to 28 below and paragraphs 3 (n) to 3 (p) of resolution 1856 (2008);

(c) Support the security sector reform led by the Government of the Democratic Republic of the Congo, including as set out in paragraphs 29 to 38 below;

6. *Authorizes* MONUC to use all necessary means, within the limits of its capacity and in the areas where its units are deployed, to carry out the tasks of its mandate listed in paragraph 3 (a) to (e) of resolution 1856 (2008) and paragraphs 9, 20, 21 and 24 below;

Protection of civilians, including humanitarian personnel and human rights defenders, and United Nations personnel and facilities

7. *Emphasizes* that the protection of civilians, as described in paragraph 5 (a), must be given priority in decisions about the use of available capacity and resources, over any of the other tasks described in paragraph 5 (b) and (c);

8. *Recalls* that the protection of civilians requires a coordinated response from all relevant mission components and *encourages* MONUC to enhance interaction, under the authority of the Special Representative of the Secretary-General, between its civil and military components at all levels and humanitarian actors, in order to consolidate expertise on the protection of civilians;

9. *Requests* MONUC to build on best practices and extend successful protection measures on protection piloted in North Kivu, in particular the establishment of Joint Protection Teams, Early Warning Centres, communications liaisons with local villages and other measures, to other areas, particularly South Kivu;

10. *Demands* that all armed groups, in particular the Forces Démocratiques de Libération du Rwanda (FDLR) and the Lord's Resistance Army (LRA), immediately cease all forms of violence and human rights abuse against the civilian population in the Democratic Republic of the Congo, in particular gender-based violence, including rape and other forms of sexual abuse;

11. *Demands* that the Government of the Democratic Republic of the Congo, in furtherance of resolution 1888 (2009), immediately take appropriate measures to protect civilians, including women and children, from violations of international humanitarian law and human rights abuses, including all forms of sexual violence; *urges* the Government of the Democratic Republic of the Congo to ensure the full implementation of its "zero-tolerance policy" with respect to discipline and human rights violations, including sexual and gender-based violence, committed by elements of the Armed Forces of the Democratic Republic of the Congo (FARDC) and *further urges* that all reports of such violations be thoroughly investigated, with the support of MONUC, and that all those responsible be brought to justice through a robust and independent process;

12. *Requests* the Secretary-General to continue to fully investigate the allegations of sexual exploitation and abuse by civilian and military personnel of MONUC, and to take the appropriate measures set out in the Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13);

13. *Requests* the Secretary-General to ensure that technical support is provided, in predeployment and in theatre, to MONUC's troop- and police-contributing countries to include guidance and training for military and police personnel on the protection of civilians from imminent threat and appropriate responses, including on human rights, sexual violence and gender issues;

14. *Encourages* MONUC to enhance its interaction with the civilian population to raise awareness and understanding about its mandate and activities and to collect reliable information on violations of international humanitarian law and human rights abuses perpetrated against civilians;

15. *Demands* that all armed groups, in particular the FDLR and LRA, immediately stop recruiting and using children and release all children associated with them and *calls upon* the Government of the Democratic Republic of the Congo to continue to work with MONUC, the Monitoring and Reporting Mechanism and other relevant actors to finalise the elaboration of an Action Plan to release children present in FARDC and to prevent further recruitment;

16. *Calls upon* the governments of the Great Lakes region to coordinate their efforts to address the threat posed by the LRA and *strongly encourages* enhanced regular information-sharing about the LRA in this respect, with MONUC and other United Nations Missions in the areas where the LRA is threatening the population and *requests* the Secretary-General to enhance cooperation and information-sharing between United Nations missions in the region on all issues related to regional security threats;

17. *Calls upon* the States in the region to ensure that any military actions against armed groups are carried out in accordance with international humanitarian, human rights and refugee law, and that they take appropriate measures to protect civilians and reduce the impact of military actions upon the civilian population, including through regular contacts with and early warning of the civilian population on potential attacks;

18. *Requests* the Special Representative of the Secretary-General to identify women's protection advisers (WPAs) among MONUC's gender advisers and human rights protection units in line with MONUC's comprehensive strategy against sexual violence;

DDR of Congolese armed groups and DDRRR of foreign armed groups

19. *Demands that* all armed groups, in particular the FDLR, the LRA and other foreign armed groups immediately lay down their arms and *demands further* that the Congolese armed groups present themselves without any further delay or preconditions to Congolese authorities and MONUC for DDR, and that the foreign armed groups similarly present themselves to Congolese authorities and MONUC for DDRRR;

20. *Underlines* that MONUC shall deter any attempt at the use of force to threaten the Goma and Nairobi processes from any armed group, particularly in the eastern part of the Democratic Republic of the Congo, and undertake all necessary operations to prevent attacks on civilians and disrupt the military capability of armed groups that continue to use violence in that area;

21. *Requests* MONUC, working in close cooperation with the Government of the Democratic Republic of the Congo, to continue its coordination of operations with the FARDC brigades deployed in the eastern part of the Democratic Republic of the Congo, premised on the protection of civilians as a priority, on operations being jointly planned with these brigades, and in accordance with its Policy Paper referenced in paragraph 23 below, with a view to:

(a) Disarming foreign and Congolese armed groups in targeted areas in order to ensure their participation in the DDRRR and DDR process;

(b) Holding the territories cleared of armed groups in order to ensure the protection of civilian populations;

(c) Helping the Government of the Democratic Republic of the Congo to restore its authority in these territories, in particular in the eastern part of the Democratic Republic of the Congo, areas freed from armed groups and key mining areas;

(d) Carrying out enhanced efforts to prevent the provision of support to armed groups, including support derived from illicit economic activities and illicit trade in natural resources;

22. *Reiterates*, consistent with paragraphs 3 (g) and 14 of resolution 1856 (2008) that the support of MONUC to FARDC-led military operations against foreign and Congolese armed groups is strictly conditioned on FARDC's compliance with international humanitarian, human rights and refugee law and on an effective joint planning of these operations, *decides* that MONUC military leadership shall confirm, prior to providing any support to such operations that sufficient joint planning has been undertaken, especially regarding the protection of the civilian population, *calls upon* MONUC to intercede with the FARDC command if elements of a FARDC unit receiving MONUC's support are suspected of having committed grave violations of such laws, and if the situation persists, *calls upon* MONUC to withdraw support from these FARDC units;

23. *Notes* in this regard the development by MONUC of a Policy Paper setting out the conditions under which the Mission can provide support to FARDC units, and *requests* the Secretary-General to establish an appropriate mechanism to regularly assess the implementation of this Policy;

24. *Urges* MONUC, in close cooperation with other partners, including the World Bank and United Nations Development Programme, to contribute further to the implementation of DDR of Congolese combatants and their dependents, with particular attention to children, by monitoring the disarmament process and providing, as appropriate, security in some sensitive locations, as well as supporting reintegration efforts pursued by the Congolese authorities in cooperation with the United Nations Country Team and bilateral and multilateral partners;

25. *Urges* MONUC to enhance its support to the voluntary demobilization and repatriation of disarmed foreign combatants and their dependents and *calls upon* the Governments of the Democratic Republic of the Congo and the neighbouring States to remain engaged in this process;

26. *Urges* the Governments of the Democratic Republic of the Congo and Rwanda to work together and to agree on a clear set of end-state objectives on the FDLR, in the framework of a multidimensional approach;

27. *Urges* all States to take appropriate legal action against FDLR leaders residing in their countries, including through effective implementation of the sanctions regime established by resolution 1533 (2004) and renewed by its resolution 1896 (2009);

28. *Urges* all States, especially those in the region, to take appropriate steps to end the illicit trade in natural resources, including if necessary through judicial means, and, where necessary, to report to the Security Council, and *urges* MONUC, in accordance with paragraph 3 (j) of resolution 1856 (2008), to consolidate and assess, jointly with the Government of the Democratic Republic of the Congo, its pilot project of bringing together all State services in five trading counters in North and South Kivu in order to improve the traceability of mineral products;

Support for security sector reform

29. *Reiterates* the primary responsibility of the Government of the Democratic Republic of the Congo regarding the reform of its security sector, and *encourages* the Government of the Democratic Republic of the Congo, working in cooperation with MONUC and other international partners, to build a core, well-vetted, multi-ethnic force, whose size, composition and structure should be developed by the Government, with the support of MONUC, with a view to strengthening the capacity, discipline and professionalism of the FARDC;

30. *Requests* MONUC, in cooperation with the Congolese authorities, to coordinate the efforts of the international community, including all bilateral and multilateral actors working in this field, on security sector reform issues, and *calls upon* all Member States and international organisations to fully cooperate with MONUC in this regard;

31. *Further requests* MONUC to provide military training, including in the area of human rights, international humanitarian law, child protection and the prevention of gender-based and sexual violence, to the FARDC, including to the integrated brigades deployed in the eastern part of the Democratic Republic of the Congo, as part of broader international efforts to support security sector reform;

32. *Reiterates* its call upon the Congolese authorities, with the support of MONUC, to establish an effective vetting mechanism, in accordance with international standards, for the FARDC and the national security forces, to ensure the exclusion of those persons associated with violations of international humanitarian law and human rights abuses and to trigger the judicial process against such persons where appropriate;

33. *Encourages* the Government of the Democratic Republic of the Congo, with the support of MONUC, to ensure that armed groups newly integrated into the FARDC are deployed throughout the country and not restricted to their regions of origin;

34. *Urges* the Government of the Democratic Republic of the Congo to expeditiously adopt legislation related to the reform of the FARDC, the High Defence Council and the status of the FARDC military personnel by the Parliament, as well as the legislation on police reform, *urges further* the Government of the Democratic Republic of the Congo to ensure progress in their implementation within the timeframe of this resolution, and *urges further still* the adoption of a comprehensive national strategy for the security sector on the whole territory;

35. *Requests* that the Government of the Democratic Republic of the Congo, with the support of MONUC and other international partners, ensure appropriate conditions for the FARDC, including attributing ranks to the newly integrated elements, ensuring salary payments and equipments and providing barracks;

36. *Calls upon* all the parties to the March 23 Agreements to fulfil their commitments and accelerate the implementation of all aspects of the Agreements and *requests* MONUC to assist in this regard by helping with the integration of the armed groups and the establishment of mechanisms for resolving local disputes as foreseen in those Agreements;

37. *Recommends* that the Government of the Democratic Republic of Congo, in particular through the FARDC and the Congolese National Police (PNC), working in cooperation with MONUC, pursue its efforts to maintain a comprehensive and accurate database containing all the available information on the weapons and ammunition under their custody;

38. *Demands* that all parties cooperate fully with the operations of MONUC and that they ensure the security of as well as unhindered and immediate access for United Nations and associated personnel in carrying out their mandate, throughout the territory of the Democratic Republic of the Congo, and *requests* the Secretary-General to report without delay any failure to comply with these demands;

39. *Requests* MONUC and the United Nations Country Team to continue their support to extend State authority in the Democratic Republic of the Congo, in particular within the framework of the Government's Stabilization and Reconstruction Plan (STAREC) and the United Nations Security and Stabilization Support Strategy (UNSSSS), with a particular emphasis on strengthening democratic institutions and building effective rule of law capacity, including justice and corrections;

40. *Requests* the Secretary-General to provide a briefing on the implementation of the system-wide protection strategy and a progress report on the Integrated Strategic Framework to the Security Council and troop- and police-contributing countries by 16 February 2010;

41. *Requests further* the Secretary-General to provide a full report on the situation in the Democratic Republic of the Congo and on MONUC's activities, by 1 April 2010, in order to prepare the strategic review as set out in paragraph 2 of this resolution, and that this full report should include:

(a) Specific information on the challenges of MONUC's role in the protection of civilians, an assessment of existing protection mechanisms, in particular the measures described in paragraphs 8, 9, 11, 12 and 13 of this resolution, and assessment of special measures for protection from sexual violence;

(b) Assessment of the implementation of the Policy Paper setting out the conditions of MONUC's support to FARDC as described in paragraphs 22 and 23 of this resolution;

(c) Information on the further deployment and use of the additional capabilities authorized by resolution 1843 (2008);

(d) Assessment of the progress in the security sector reform, including the effectiveness of the training measures set out in paragraph 31 of this resolution;

42. *Commends* the contribution of troop- and police-contributing countries and donors to MONUC and *calls on* Member States to pledge and contribute the remaining helicopters, air capabilities, intelligence assets and other force enablers required for the Mission;

43. *Requests* the Secretary-General to ensure that MONUC's concept of operation and rules of engagement are regularly updated to bring them fully in line with the provisions of this resolution and to report on this to the Security Council and troop-contributing countries;

44. *Requests* the Secretary-General, through his Special Representative for the Democratic Republic of the Congo, to continue to coordinate all the activities of the United Nations system in the Democratic Republic of the Congo;

45. *Decides* to remain actively seized of the matter.

United Nations S/RES/1907 (2009)

Security Council

Distr.: General
23 December 2009

Resolution 1907 (2009)

Adopted by the Security Council at its 6254th meeting, on 23 December 2009

The Security Council,

Recalling its previous resolutions and statements of its President concerning the situation in Somalia and the border dispute between Djibouti and Eritrea, in particular its resolutions 751 (1992), 1844 (2008), and 1862 (2009), and its statements of 18 May 2009 (S/PRST/2009/15), 9 July 2009 (S/PRST/2009/19), 12 June 2008 (S/PRST/2008/20),

Reaffirming its respect for the sovereignty, territorial integrity, and political independence and unity of Somalia, Djibouti and Eritrea, respectively,

Expressing the importance of resolving the border dispute between Djibouti and Eritrea,

Reaffirming that the Djibouti Agreement and Peace Process represent the basis for a resolution of the conflict in Somalia, and further reaffirming its support for the Transitional Federal Government (TFG),

Noting the decision of the 13th Assembly of the African Union (AU) in Sirte, Libya, calling on the Council to impose sanctions against foreign actors, both within and outside the region, especially Eritrea, providing support to the armed groups engaged in destabilization activities in Somalia and undermining the peace and reconciliation efforts as well as regional stability (S/2009/388),

Further noting the decision of the 13th Assembly of the AU in Sirte, Libya expressing its grave concern at the total absence of progress regarding the implementation by Eritrea of, inter alia, resolution 1862 (2009) regarding the border dispute between Djibouti and Eritrea (S/2009/388),

Expressing its grave concern at the findings of the Monitoring Group re-established by resolution 1853 (2008) as outlined in its December 2008 report (S/2008/769) that Eritrea has provided political, financial and logistical support to armed groups engaged in undermining peace and reconciliation in Somalia and regional stability,

Condemning all armed attacks on TFG officials and institutions, the civilian population, humanitarian workers and the African Union Mission to Somalia (AMISOM) personnel,

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Expressing its grave concern at Eritrea's rejection of the Djibouti Agreement, as noted in the letter of 19 May 2009, from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council (S/2009/256),

Recalling its resolution 1844 (2008) in which it decided to impose measures against individuals or entities designated as engaging in or providing support to acts that threaten peace, security and stability in Somalia, acting in violation of the arms embargo or obstructing the flow of humanitarian assistance to Somalia,

Expressing its appreciation of the contribution of AMISOM to the stability of Somalia, and further expressing its appreciation for the continued commitment to AMISOM by the Governments of Burundi and Uganda,

Reiterating its intention to take measures against those who seek to prevent or block the Djibouti Peace Process,

Expressing its deep concern that Eritrea has not withdrawn its forces to the status quo ante, as called for by the Security Council in its resolution 1862 (2009) and the statement of its President dated 12 June 2008 (S/PRST/2008/20),

Reiterating its serious concern at the refusal of Eritrea so far to engage in dialogue with Djibouti, or to accept bilateral contacts, mediation or facilitation efforts by sub-regional or regional organizations or to respond positively to the efforts of the Secretary-General,

Taking note of the letter of the Secretary-General issued on 30 March 2009 (S/2009/163), and the subsequent briefings by the Secretariat on the Djibouti-Eritrea conflict,

Noting that Djibouti has withdrawn its forces to the status quo ante and cooperated fully with all concerned, including the United Nations fact-finding mission and the good offices of the Secretary-General,

Determining that Eritrea's actions undermining peace and reconciliation in Somalia as well as the dispute between Djibouti and Eritrea constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Reiterates* that all Member States, including Eritrea, shall comply fully with the terms of the arms embargo imposed by paragraph 5 of resolution 733 (1992), as elaborated and amended by resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007) and 1772 (2007) on Somalia and the provisions of resolution 1844 (2008);

2. *Calls upon* all Member States, including Eritrea, to support the Djibouti Peace Process and support reconciliation efforts by the TFG in Somalia, and demands that Eritrea cease all efforts to destabilize or overthrow, directly or indirectly, the TFG;

3. *Reiterates* its demand that Eritrea immediately comply with resolution 1862 (2009) and:

(i) *Withdraw* its forces and all their equipment to the positions of the status quo ante, and ensure that no military presence or activity is being pursued in the area where the conflict occurred in Ras Doumeira and Doumeira Island in June 2008;

(ii) *Acknowledge* its border dispute with Djibouti in Ras Doumeira and Doumeira Island, *engage* actively in dialogue to defuse the tension and *engage also* in diplomatic efforts leading to a mutually acceptable settlement of the border issue; and,

(iii) *Abide* by its international obligations as a Member of the United Nations, *respect* the principles mentioned in Article 2, paragraphs 3, 4, and 5, and Article 33 of the Charter, and *cooperate* fully with the Secretary-General, in particular through his proposal of good offices mentioned in paragraph 3 of resolution 1862 (2009);

4. *Demands* that Eritrea make available information pertaining to Djiboutian combatants missing in action since the clashes of 10 to 12 June, 2008 so that those concerned may ascertain the presence and condition of Djiboutian prisoners of war;

5. *Decides* that all Member States shall immediately take the necessary measures to prevent the sale or supply to Eritrea by their nationals or from their territories or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical assistance, training, financial and other assistance, related to the military activities or to the provision, manufacture, maintenance or use of these items, whether or not originating in their territories;

6. *Decides* that Eritrea shall not supply, sell or transfer directly or indirectly from its territory or by its nationals or using its flag vessels or aircraft any arms or related materiel, and that all Member States shall prohibit the procurement of the items, training and assistance described in paragraph 5 above from Eritrea by their nationals, or using their flag vessels or aircraft, whether or not originating in the territory of Eritrea;

7. *Calls upon* all Member States to inspect, in their territory, including seaports and airports, in accordance with their national authorities and legislation, and consistent with international law, all cargo to and from Somalia and Eritrea, if the State concerned has information that provides reasonable grounds to believe the cargo contains items the supply, transfer, or export of which is prohibited by paragraphs 5 and 6 of this resolution or the general and complete arms embargo to Somalia established pursuant to paragraph 5 of resolution 733 (1992) and elaborated and amended by subsequent resolutions for the purpose of ensuring strict implementation of those provisions;

8. *Decides* to authorize all Member States to, and that all Member States shall, upon discovery of items prohibited by paragraphs 5 and 6 above, seize and dispose (either by destroying or rendering inoperable) items the supply, sale, transfer, or export of which is prohibited by paragraphs 5 and 6 of this resolution and decides further that all Member States shall cooperate in such efforts;

9. *Requires* any Member State when it finds items the supply, sale, transfer, or export of which is prohibited by paragraphs 5 and 6 of this resolution to submit promptly a report to the Committee containing relevant details, including the steps taken to seize and dispose of the items;

10. *Decides* that all Member States shall take the necessary measures to prevent the entry into or transit through their territories of individuals, designated by the Committee established pursuant to resolution 751 (1992) and expanded by resolution 1844 (2008) (herein "the Committee") pursuant to the criteria in paragraph 15 below, provided that nothing in this paragraph shall oblige a state to refuse entry into its territory to its own nationals;

11. *Decides* that the measures imposed by paragraph 10 above shall not apply:

(a) where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation; or

(b) where the Committee determines on a case-by-case basis that an exemption would otherwise further the objectives of peace and stability in the region;

12. *Decides* that all Member States shall take the necessary measures to prevent the direct or indirect supply, sale or transfer by their nationals or from their territories or using their flag vessels or aircraft of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned and the direct or indirect supply of technical assistance or training, financial and other assistance including investment, brokering or other financial services, related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of weapons and military equipment, to the individuals or entities designated by the Committee pursuant to paragraph 15 below;

13. *Decides* that all Member States shall freeze without delay the funds, other financial assets and economic resources which are on their territories on the date of adoption of this resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the entities and individuals designated by the Committee pursuant to paragraph 15 below, or by individuals or entities acting on their behalf or their direction, and decides further that all Member States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any individuals or entities within their territories to or for the benefit of such individuals or entities;

14. *Decides* that the measures imposed by paragraph 13 above do not apply to funds, other financial assets or economic resources that have been determined by relevant Member States:

(a) to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant Member State to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources, and in the absence of a negative decision by the Committee within three working days of such notification;

(b) to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant Member State(s) to the Committee and has been approved by the Committee; or

(c) to be the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated pursuant to paragraph 13 above, and has been notified by the relevant Member State(s) to the Committee;

15. *Decides* that the provisions of paragraph 10 above shall apply to individuals, including but not limited to the Eritrean political and military leadership and that the provisions of paragraphs 12 and 13 above shall apply to individuals and entities, including but not limited to Eritrean political and military leadership, governmental, and parastatal entities, and entities privately owned by Eritrean nationals living within or outside of Eritrean territory, designated by the Committee:

(a) as violating the measures established by paragraphs 5 and 6 above;

(b) as providing support from Eritrea to armed opposition groups which aim to destabilize the region;

(c) as obstructing implementation of resolution 1862 (2009) concerning Djibouti;

(d) as harbouring, financing, facilitating, supporting, organizing, training, or inciting individuals or groups to perpetrate acts of violence or terrorist acts against other States or their citizens in the region;

(e) as obstructing the investigations or work of the Monitoring Group;

16. *Demands* that all Member States, in particular Eritrea, cease arming, training, and equipping armed groups and their members including al-Shabaab, that aim to destabilize the region or incite violence and civil strife in Djibouti;

17. *Demands* Eritrea cease facilitating travel and other forms of financial support to individuals or entities designated by the Committee and other Sanctions Committees, in particular the Committee established pursuant to resolution 1267 (1999), in line with the provisions set out in the relevant resolutions;

18. *Decides* to further expand the mandate of the Committee to undertake the additional tasks:

(a) To monitor, with the support of the Monitoring Group, the implementation of the measures imposed in paragraphs 5, 6, 8, 10, 12 and 13 above;

(b) To designate those individuals or entities subject to the measures imposed by paragraphs 10, 12 and 13 above, pursuant to criteria set forth in paragraph 15 above;

(c) To consider and decide upon requests for exemptions set out in paragraphs 11 and 14 above;

(d) To update its guidelines to reflect its additional tasks;

19. *Decides* to further expand the mandate of the Monitoring Group re-established by resolution 1853 (2008) to monitor and report on implementation of the measures imposed in this resolution and undertake the tasks outlined below, and requests the Secretary-General to make appropriate arrangements for additional resources and personnel so that the expanded Monitoring Group may continue to carry out its mandate, and in addition:

(a) Assist the Committee in monitoring the implementation of the measures imposed in paragraphs 5, 6, 8,10, 12 and 13 above, including by reporting any information on violations;

(b) Consider any information relevant to implementation of paragraphs 16 and 17 above that should be brought to the attention of the Committee;

(c) Include in its reports to the Security Council any information relevant to the Committee's designation of the individuals and entities described in paragraph 15 above;

(d) Coordinate as appropriate with other Sanctions Committees' panels of experts in pursuit of these tasks;

20. *Calls upon* all Members States to report to the Security Council within 120 days of the adoption of this resolution on steps they have taken to implement the measures outlined in the paragraphs 5, 6, 10, 12 and 13 above;

21. *Affirms* that it shall keep Eritrea's actions under review and that it shall be prepared to adjust the measures, including through their strengthening, modification, or lifting, in light of Eritrea's compliance with the provisions of this resolution;

22. *Requests* the Secretary-General to report within 180 days on Eritrea's compliance with the provisions of this resolution;

23. *Decides* to remain actively seized of the matter.